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TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Orange Reg. 162]

PART 966—ORANGES GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

LIMTATION OF SHIPMENTS

§ 966.308 *Orange Regulation 162*—(a) *Findings.* (1) Pursuant to the provisions of the order (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., January 26, 1947, and ending at 12:01 a. m., p. s. t., February 2, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate Districts Nos. 1, 2, and 3, no movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1, 450 carloads; (*b*) Prorate District No. 2, 750 carloads; and (*c*) Prorate District No. 3, unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used herein, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 23d day of January 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Orange Regulation Period No. 162. 12:01 a. m. Jan. 26, 1947 to 12:01 a. m. Feb. 2, 1947]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 1

Handler	*Prorate base percent*
Total	100.0000
A. F. G. Lindsay	.0000
A. F. G. Porterville	2.3592
Cooperative Citrus Association	.7360
Doffiemyer, W. T.	.5671
Elderwood Citrus Association	1.2988
Exeter Citrus Association	8.1685
Exeter Orange Growers Association	.6714
Exeter Orchards Association	1.1534
Hillside Packing Corp	1.6985
Ivanhoe Mutual Orange Association	1.1854
Klink Citrus Association	4.8582
Lemon Cove Association	1.5463
Lindsay Citrus Growers Association	2.8843
Lindsay Cooperative Citrus Association	1.4983

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FEDERAL REGISTER

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base percent
Lindsay District Orange Co	1.5007
Lindsay Fruit Association	2.0606
Lindsay Orange Growers Association	1.3798
Naranjo Packing House Co	.9622
Orange Cove Citrus Association	2.7874
Orange Packing Co	1.1828
Orosi Foothill Citrus Association	1.3788
Paloma Citrus Fruit Association	1.2107
Pogue Packing House, J. E	.7443
Rocky Hill Citrus Association	2.2074
Sanger Citrus Association	8.2776
Sequoia Citrus Association	.8978
Stark Packing Corp	2.4890
Visalia Citrus Association	.0000
Waddell & Son	2.0072
Butte County Citrus Association, Inc	.8501
James Mills Orchard Corp	1.2058
Orland Orange Growers Association, Inc	.7183
Baird-Neece Corp	1.8472
Beattie Association, Agnes M	.0000
Grand View Heights Citrus Association	2.1205
Magnolia Citrus Association	2.3166
Porterville Citrus Association	1.4355
Richgrove-Jasmine Citrus Association	1.5301
Sandilands Fruit Co	.0000
Strathmore Coop. Association	1.7770
Strathmore District Orange Association	1.7218
Strathmore Fruit Growers Association	1.2602
Strathmore Packing House Co	1.4531
Sunflower Packing Corp	2.1007
Sunland Packing House	2.7887
Terra Bella Citrus Association	1.3919
Tule River Citrus Association	1.2014
Jensen, M. N	2.5394
Kroells Bros., Ltd	1.5888
Lindsay Mutual Groves	1.8953
Martin, J. D	1.1603
Stivers Packing Co	.7952
Woodlake Packing House	1.7649
R. M. C. Porterville	2.0443
Abbate Co., The Chas	.9506
Anderson Packing Co., R. M	.7593
Baker Bros	.0000
California Citrus Growers, Inc., Ltd	1.8886
Chess Company, Meyer W	.0000
Edison Groves Co	.0000
Edison Orange Growers Association	.0000
Evans Brothers Packing Co	1.5252
Furr, N. C	.3543
Ghianda Ranch	.0234
Harding & Leggett	1.4721
Lo Bue Brothers	.4656
Marks, W. & M	.4825
Raymond Brothers	.1432
Reimers, Don H	.0000
Rooke Packing Co., B. G	8.4242
Snyder & Sons Co., W. A	.8595
Toy, Chin	.0000
Webb Packing Co., Inc	.0000
Western States Fruit & Produce Co	.0000
Wollenman Packing Co	.8163
Woodlake Heights Packing Corp	.9145
Zaninovich Bros., Inc	.7019

Prorate District No. 2

Total	100.0000
A. F. G. Alta Loma	.3500
A. F. G. Fullerton	.0469
A. F. G. Orange	.0620
A. F. G. Redlands	.3467
A. F. G. Riverside	.8478
Corona Plantation Co	.9802
Hazeltine Packing Co	.1043
Signal Fruit Association	.7162
Azusa Citrus Association	.9624
Azusa Orange Co., Inc	.1337
Damerel-Allison Co	1.1937
Glendora Mutual Orange Association	.4869
Irwindale Citrus Association	.8501
Puente Mutual Citrus Association	.0478
Valencia Heights Orchards Association	.2015
Glendora Citrus Association	.7911
Glendora Heights O. & L. Growers Association	.1497
Gold Buckle Association	8.3791
La Verne Orange Association, The	8.9201
Anaheim Citrus Fruit Association	0.0617
Anaheim Valencia Orange Association	.0168
Eadington Fruit Co., Inc	.3430
Fullerton Mutual Orange Association	.2629
La Habra Citrus Association	.1471
Orange Co. Valencia Association	.0258
Orangethorpe Citrus Association	.0240
Placentia Coop. Orange Association	.0515
Yorba Linda Citrus Association, The	.0265
Alta Loma Heights Citrus Association	.3860
Citrus Fruit Growers	.7284
Cucamonga Citrus Association	.6026
Etiwanda Citrus Fruit Association	.2206
Mountain View Fruit Association	.1587
Old Baldy Citrus Association	.4327
Rialto Heights Orange Growers	.4497
Upland Citrus Association	2.2329
Upland Heights Orange Association	.9713
Consolidated Orange Growers	.0307
Garden Grove Citrus Association	.0211
Goldenwest Citrus Association, The	.0901
Olive Heights Citrus Association	.0450
Santa Ana-Tustin Mutual Citrus Association	.0281
Santiago Orange Growers Association	.1629
Tustin Hills Citrus Association	.0328
Villa Park Orchards Association, Inc., The	.0383
Bradford Brothers, Inc	.2294
Placentia Mutual Orange Association	.1841
Placentia Orange Growers Association	.2546
Call Ranch	.6928
Corona Citrus Association	.7270
Jameson Company	.3738
Orange Heights Orange Association	.8530
Break & Son, Allen	.2758
Bryn Mawr Fruit Growers Association	1.0564
Crafton Orange Growers Association	1.3411
E. Highlands Citrus Association	.4150
Fontana Citrus Association	.4290
Highland Fruit Growers Association	.6627
Krinard Packing Co	1.5796
Mission Citrus Association	.7277
Redlands Coop. Fruit Association	1.7281
Redlands Heights Groves	.9206
Redlands Orange Growers Association	.9588
Redlands Orangedale Association	1.1680
Redlands Select Groves	.5432
Rialto Citrus Association	.5578
Rialto Orange Co	.3650
Southern Citrus Association	.9738
United Citrus Growers	.7278
Zilen Citrus Co	1.0299
Arlington Heights Fruit Co	.4256
Brown Estate, L. V. W	1.7908
Gavilan Citrus Association	1.6430
Hemet Mutual Groves	.3143
Highgrove Fruit Association	.6976
McDermont Fruit Co	1.7496
Mentone Heights Association	.7694
Monte Vista Citrus Association	1.1212
National Orange Co	.8440
Riverside Heights Orange Growers Association	1.3214
Sierra Vista Packing Association	.6868
Victoria Ave. Citrus Association	2.3272
Claremont Citrus Association	.9804
College Heights O. & L. Association	1.0197
El Camino Citrus Association	.5122
Indian Hill Citrus Association	1.1495

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base percent
Pomona Fruit Growers Association	1.9432
Walnut Fruit Growers Association	.3813
West Ontario Citrus Association	1.5413
El Cajon Valley Citrus Association	.3708
Escondido Orange Association	.5485
San Dimas Orange Growers Association	1.1691
Covina Citrus Association	1.5809
Covina Orange Growers Association	.4951
Duarte-Monrovia Fruit Exchange	.5441
Ball & Tweedy Association	.1402
Canoga Citrus Association	.0636
N. Whittier Heights Citrus Association	.1133
San Fernando Fruit Growers Association	.3019
San Fernando Heights Orange Association	.3271
Sierra Madra Lamanda Citrus Association	.2355
Camarillo Citrus Association	.0096
Fillmore Citrus Association	1.2381
Ojai Orange Association	.9883
Piru Citrus Association	1.1323
Santa Paula Orange Association	.1118
Tapo Citrus Association	.0108
East Whittier Citrus Association	.0165
Whittier Citrus Association	.3083
Whittier Select Citrus Association	.0591
Anaheim Coop. Orange Association	.0553
Bryn Mawr Mutual Orange Association	.4851
Chula Vista Mutual Lemon Association	.1446
Escondido Coop. Citrus Association	.0997
Euclid Avenue Orange Association	2.4168
Foothill Citrus Union, Inc	.0834
Fullerton Coop. Orange Association	.0530
Garden Grove Orange Coop	.0383
Glendora Coop. Citrus Association	.0776
Golden Orange Groves, Inc	.3930
Highland Mutual Groves, Inc	.4139
Index Mutual Association	.0040
La Verne Coop. Citrus Association	2.6639
Olive Hillside Groves, Inc	.0312
Orange Coop. Citrus Association	.0489
Redlands Foothill Groves	2.1358
Redlands Mutual Orange Association	1.0147
Riverside Citrus Association	.3998
Ventura County O. & L. Association	.2114
Whittier Mutual O. & L. Association	.0644
Babijuice Corp. of Calif	.3396
Banks Fruit Co	.2450
California Fruit Distributors	.0845
Cherokee Citrus Co., Inc	1.1287
Chess Co., Meyer W	.3221
El Modena Citrus, Inc	.0812
Evans Brothers Packing Co	.7925
Gold Banner Association	1.9006
Granada Packing House	1.0819
Hill, Fred A	.7055
Inland Fruit Dealers, Inc	.2065
Orange Belt Fruit Distributors	2.4802
Panno Fruit Co., Carlo	.1334
Paramount Citrus Association	.2680
Placentia Pioneer Valencia Growers Association	.0751
Riverside Growers, Inc	.5213
San Antonio Orchards Association	1.1538
Snyder & Sons Co., W. A	1.0148
Torn Ranch	.0477
Verity & Sons Co., R. H	.1012
Wall, E. T	1.4346
Western Fruit Growers, Inc., Redlands	2.5940
Yorba Orange Growers Association	.0332

[F. R. Doc. 47-814; Filed, Jan. 24, 1947; 8:48 a. m.]

[Lemon Reg. 206]

PART 953—LEMONS GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.313 *Lemon Regulation 206*—(a) *Findings.* (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administration Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which the regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., January 26, 1947, and ending at 12:01 a. m., p. s. t., February 2, 1947, is hereby fixed at 250 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 205 (12 F. R. 376) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "boxes," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such word in the said marketing agreement and order.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 23 day of January 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage Date: January 12, 1947. Regulation Period No. 206 12:01 a. m. Jan. 19, 1947 to 12:01 a. m. Feb. 2, 1947]

Handler	Prorate base percent
Total	100.000
Allen-Young Citrus Packing Co	.000
American Fruit Growers, Fullerton	.482
American Fruit Growers, Lindsay	.000
American Fruit Growers, Upland	.429
Consolidated Citrus Growers	.034
Corona Plantation Company	.445
Hazeltine Packing Company	.984
Leppla-Pratt, Produce Distrs. Inc	.000
McKellips, C. H.-Phoenix Citrus Co	.000
McKellips Mutual Citrus Growers Inc	.009
Phoenix Citrus Packing Co	.000
Ventura Coastal Lemon Co	1.271
Ventura Pacific Co	1.187
Total A. F. G	4.841
Arizona Citrus Growers	.139
Desert Citrus Growers Co. Inc	.009
Mesa Citrus Growers	.109
Elderwood Citrus Association	.107
Klink Citrus Association	4.503
Lemon Cove Association	1.358
Glendora Lemon Growers Association	1.010
La Verne Lemon Association	.380
La Habra Citrus Association	.885
Yorba Linda Citrus Association	.274
Alta Loma Heights Citrus Association	.462
Etiwanda Citrus Fruit Association	.254
Mountain View Fruit Association	.438
Old Baldy Citrus Association	1.202
Upland Lemon Growers Association	3.478
Central Lemon Association	.460
Irvine Citrus Association	1.197
Placentia Mutual Orange Association	.853
Corona Citrus Association	.287
Corona Foothill Lemon Co	1.406
Jameson Company	.738
Arlington Heights Fruit Co	.479
College Heights Orange & Lemon Association	1.697
Chula Vista Citrus Association	1.118
El Cajon Valley Citrus Association	.600
Escondido Lemon Association	6.525
Fallbrook Citrus Association	2.545
Lemon Grove Citrus Association	.577
San Dimas Lemon Association	1.436
Carpinteria Lemon Association	1.828
Carpinteria Mutual Citrus Association	2.441
Goleta Lemon Association	2.974
Johnston Fruit Co	6.162
North Whittier Heights Citrus Association	1.612
San Fernando Heights Lemon Association	2.698
San Fernando Lemon Association	1.564
Sierra Madre-Lamanda Citrus Association	1.675
Tulare County Lemon & Grapefruit Association	7.477
Briggs Lemon Association	1.058
Culbertson Investment Co	.467
Culbertson Lemon Association	.966
Fillmore Lemon Association	1.429
Oxnard Citrus Association No. 1	.619
Oxnard Citrus Association No. 2	3.917
Rancho Sespe	.427
Santa Paula Citrus Fruit Association	2.512
Saticoy Lemon Association	2.761
Seaboard Lemon Association	2.280
Somis Lemon Association	.465
Ventura Citrus Association	1.098
Limoneira Co	.739
Teague-McKevett Association	.426
East Whittier Citrus Association	.714
Leffingwell Rancho Lemon Association	.328

PRORATE BASE SCHEDULE—Continued

Handler	Prorate base percent
Murphy Ranch Co	1.225
Whittier Citrus Association	.742
Whittier Select Citrus Association	.436
Total C. F. G. E.	85.566
Arizona Citrus Products Co	.005
Chula Vista Mutual Lemon Association	1.347
Escondido Coop. Citrus Association	.729
Glendora Coop. Citrus Association	.226
Index Mutual Association	.278
La Verne Coop. Citrus Association	1.554
Libbey Fruit Packing Co	.092
Orange Coop. Citrus Association	.198
Pioneer Fruit Co	.032
Tempe Citrus Co	.102
Ventura Co. Orange & Lemon Association	1.972
Whittier Mutual Orange & Lemon Association	.136
Total M. O. D.	6.671
Abbate, Chas. Co., The	.054
Atlas Citrus Packing Co	.023
California Citrus Groves, Inc. Ltd	.008
El Modena Citrus, Inc	.132
Evans Bros. Pkg. Co.—Riverside	.187
Evans Bros. Pkg. Co. — Sentinel Butte Ranch	.203
Foothill Packing Co	.000
Harding & Leggett	.478
Orange Belt Fruit Distributors	1.351
Potato House, The	.000
Raymond Bros	.000
Rooke, B. G., Packing Co	.000
San Antonio Orchard Co	.073
Sun Valley Packing Co	.000
Sunny Hills Ranch, Inc	.202
Valley Citrus Packing Co	.000
Verity, R. H., Sons & Co	.193
Western States Fruit & Produce Co	.018
Total independents	2.922

[F. R. Doc. 47-813; Filed, Jan. 24, 1947; 8:48 a. m.]

TITLE 13—BUSINESS CREDIT

Chapter I—Reconstruction Finance Corporation

PART 01—ORGANIZATION

CENTRAL ORGANIZATION

1. Paragraph (c) of § 01.5 (11 F. R. 177A-454) is deleted in its entirety and the following substituted therefor:

§ 01.5 *Offices* * * *

(c) *Office of Defense Plants.* The Office of Defense Plants performs functions which were originally performed by the Defense Plant Corporation, a former subsidiary of the Reconstruction Finance Corporation which was created on August 2, 1940 under authority of section 5d of the Reconstruction Finance Corporation Act. The Office of Defense Plants is engaged in the establishment of facilities for the production and transportation of materials and supplies, the acquisition of critical items and the operation of facilities constructed by the Office of Defense Plants. The Office of Defense Plants is now engaged in the continuance in accordance with section 5d of the Reconstruction Finance Corporation Act and the War Mobilization Act of such operations and activities as are deemed essential by Agencies of the Government which had recommended the established programs or by the Director of the Office of War Mobilization and Reconversion as well as new programs designated by the proper Agencies of the Government including Office of War Mobilization and Reconversion. In addition to such continuing projects, Office of Defense Plants is engaged in the liquidation and disposition of RFC properties, particularly in relation to clearance of Government property from privately owned and Government owned plants; placing of plants in shut-down or stand-by condition and the protection and maintenance thereof; settlement of termination claims in accordance with the Contract Settlement Act; disposition of property in accordance with contractual obligations and in accordance with the provisions of the Surplus Property Act; settlement of the accountability of contractors to whom facilities have been made available; activities necessary for the protection of the Government's investment in Reconstruction Finance Corporation owned properties and declaration of excess property as surplus in accordance with the Surplus Property Act.

2. Paragraph (d) of § 01.5 (11 F. R. 177A-455) is amended by deleting the last clause of the last sentence thereof and substituting therefor the following:

(d) *Office of Rubber Reserve.* * * * and in the warehousing and distribution of all natural rubber which it imports and of all synthetic rubber which it produces.

3. Paragraph (c) of § 01.6 (11 F. R. 177A-455) is deleted in its entirety and the following substituted therefor:

§ 01.6 *Affiliated organizations.* * * *

(c) *Federal National Mortgage Association.* The Federal National Mortgage Association (formerly the National Mortgage Association of Washington) was organized pursuant to the provisions of Title III of the National Housing Act, as amended. The capital stock of the Association is owned by the Reconstruction Finance Corporation. The Association is staffed by Reconstruction Finance Corporation employees and functions through a principal office in Washington with agents stationed in the various Loan Agencies of the RFC. The principal objectives of the Association are (1) to establish a market for first mortgages, insured under Title II of the National Housing Act, as amended, covering properties upon which are located newly constructed houses or housing projects; (2) to facilitate the construction and financing of economically sound rental housing projects, apartment buildings which may be operated at a moderate scale of rentals, and groups of houses or multi-family dwellings for rent or sale, by making loans secured by first mortgages, insured under section 207 of the National Housing Act, as amended, covering such projects, apartment buildings, or groups of houses or multi-family dwellings; (3) to make available to individual and institutional investors, notes, bonds, or other such obligations issued by the Association pursuant to the provisions of section 302 of Title III of the National Housing Act, as amended, and the regulations of the Federal Housing Administration. The Association is managed by a Board of Directors.

4. Paragraph (d) of § 01.6 (11 F. R. 177A-455) is deleted in its entirety and the following substituted therefor:

(d) *The RFC Mortgage Company.* The RFC Mortgage Company was incorporated under the laws of Maryland on March 14, 1935. The Company functions through its principal office in Washington, D. C., and Agents located in the 31 Reconstruction Finance Corporation Loan Agencies in various cities throughout the United States. The Company (1) makes real estate mortgage loans on urban income-producing properties when the needed financing can not be obtained elsewhere at reasonable rates and terms, and considers applications for loans to finance new construction of the same type if there is a demonstrated economic need for such construction; (2) maintains a market for mortgages insured under Title I, Class 3, and Title VI of the National Housing Act by purchasing such mortgages from mortgagees approved by Federal Housing Administration; and (3) assists in establishing a market for Veterans' Administration guaranteed or insured home loans by purchasing such loans from original lenders. Applications for loans and offerings of mortgages are processed through the Agent of the Company serving the territory in which the underlying properties are located.

PART 02—PROCEDURE[1]

1. Section 02.1 (11 F. R. 177A-456) is deleted in its entirety and the following substituted therefor:

§ 02.1 *Loans to business enterprises.*—(a) *Statutory authority.* The authority of Reconstruction Finance Corporation to make, and cooperate with banks or other lending institutions (hereinafter collectively called "banks") in the making of, loans to business enterprises is contained in section 5d of the RFC Act, as amended, and pursuant to the transfer effected by Executive Order 9665, dated December 27, 1945, (3 CFR, 1945 Supp.) of the authority contained in section 4 (f) of the SWPC Act of June 11, 1942 (56 Stat. 354). Other statutory provisions bearing on such lending authority are found in section 16 (a), (b), and (e) of the RFC Act, as amended, and section 4 of the act approved June 10, 1933. Pursuant to, and in compliance with such statutory provisions, the Reconstruction Finance Corporation will:

(b) *Direct loans.* Make a direct loan.

(c) *Participation loans made and administered by RFC.* Authorize the execution of an agreement (RFC Form L-299) to sell to a bank a specified participation in a loan to be made by Reconstruction Finance Corporation.

(d) *Participation loans made and administered by banks.* Authorize the purchase of a specified participation

[1] Forms referred to in this amendment not filed with the Division of the Federal Register.

(RFC Form L–298), or the execution of an agreement (RFC Form L–300) to purchase a specified participation in a loan to be made by a bank.

(e) *Blanket participations.* Enter into a Blanket Participation Agreement (under which Reconstruction Finance Corporation agrees to purchase a participation of 75%, or such lesser percentage as may be requested by bank, of each loan approved by bank thereunder) with a bank approved by the Reconstruction Finance Corporation Directors, which bank, after the execution of such Agreement, can make loans to business enterprises of not in excess of $100,000 to any one business enterprise, upon such terms and conditions and for such purposes as the bank may prescribe, provided that all applicable statutory conditions and the provisions of such Agreement are complied with.

(f) *Terms and conditions.* All loans, participations or agreements to participate, except those referred to in paragraph (e) of this section, are made on such terms and conditions and for such purposes as are satisfactory to Reconstruction Finance Corporation.

(g) *Applications.* Applications for the loans and participations referred to in paragraphs (b), (c) and (d) of this section should be made on RFC Form L–236 to the appropriate Reconstruction Finance Corporation Loan Agency.

(h) *Additional information.* Specific information may be found in Reconstruction Finance Corporation Circular No. 15 (Revised), dated January 1942; Reconstruction Finance Corporation Circular No. 25, dated March 1945; and Reconstruction Finance Corporation Circular No. 13 (Revised), dated May 1946, copies of which circulars may be obtained from the Reconstruction Finance Corporation Loan Agencies. Further information, if desired, may be procured by direct consultation with members of the Reconstruction Finance Corporation Loan Agencies.

2. Section 02.3 (11 F. R. 177A–456) is deleted in its entirety and the following substituted therefor:

§ 02.3 *Loans to railroads and railroad receivers*—(a) *Introductory.* The Reconstruction Finance Corporation may, to aid in the financing, reorganization, consolidation, maintenance or construction thereof, purchase for itself or for account of a railroad obligated thereon, the obligations of a railroad or receivers or trustees thereof, including equipment trust certificates or guarantee the payment of the principal of, and/or interest on, such obligations, including equipment trust certificates, or make loans to such railroads or to receivers or trustees thereof for the purposes aforesaid; subject to the limitations prescribed in paragraph (b) of this section.

(b) *Limitations.* (1) The Board of Directors of the Reconstruction Finance Corporation must be of the opinion that such railroads or railways are unable to obtain funds upon reasonable terms through private channels, and that the Corporation will be fully and adequately secured.

(2) Loans, purchases and guarantees must have the approval of the Interstate Commerce Commission, including, in the case of purchases, approval of the price to be paid, and the form of obligation and terms and security therefor must comply with the requirements of the Interstate Commerce Commission and of the Corporation.

(3) Loans to any one corporation and its subsidiary or affiliated organizations may not exceed at any one time $100,000,000.

(4) No fee or commission shall be paid by any applicant for a loan under the provisions of the act in connection with any application or any loan made or to be made under the act, and the agreement to pay or payment of any such fee or commission is unlawful.

(5) The applicant must consent to such examinations as the Corporation may require and that reports of examinations by the Interstate Commerce Commission, or other constituted authorities, may be furnished to the Corporation upon request therefor.

(6) Statements and valuations of securities offered by or in behalf of an applicant are subject to all of the governing provisions of the act, and all such provisions should be read and studied by the individual or individuals making such statements or valuations.

(c) *Form of application.* No special form of application is required. Ten copies of each application should be filed, four copies, including two signed originals, to be delivered to the Reconstruction Finance Corporation at its office at 811 Vermont Ave., N. W., Washington, D. C., and the remaining six copies to be delivered to the Interstate Commerce Commission, Washington, D. C. Representations and material in support of applications should be arranged in the following order, as uniformity in presentation will expedite consideration:

(1) Designation of applicant:

(i) If a receiver, or receivers, trustee, or trustees, full title, with date of appointment, qualification, and court having jurisdiction.

(ii) Full corporate name of railroad, with states of incorporation and dates of incorporation.

(iii) Whether applicant is engaged in interstate commerce, with essential facts.

(iv) Whether applicant is a railroad in process of construction.

(2) The name, title, and address of the person with whom conferences or correspondence should be had with respect to the application.

(3) State whether applicant can secure the necessary funds in whole or in part from any other source and, if so, upon what terms. If not, the efforts which have been made and the reasons for this situation should be stated, giving full details of all negotiations undertaken. Copies of letters from three or more financial organizations should accompany application.

(4) Consent of applicant to such examinations as the Corporation may require for the purposes of the act and/or that reports of examinations by constituted authorities may be furnished by such authorities to the Corporation upon request therefor.

(5) Statement that no agreement has been or will be made by the applicant to pay any person, association, firm, or corporation, either directly or indirectly, any commission or fee for the loan or purchase applied for and that no such payments have been or will be made by the applicant.

(6) The purpose of the loan or purchase, the maturity thereof, and uses to which it will be applied and the date or dates on which the funds must be available to the applicant.

(7) The present status of the applicant's existing financial relations with the United States as to;

(i) Loans made to the applicant and the security therefor: (*a*) under Federal control; (*b*) under section 210, Transportation Act, 1920; (*c*) under section 203 (a) Federal Emergency Act of Public Works; and (*d*) under section 5 of the Reconstruction Finance Corporation Act of January 22, 1932, as amended.

(ii) Claims under section 209, Transportation Act, 1920, and the security pledged therefor.

(iii) Claims on account of deficits under section 204, Transportation Act, 1920.

(iv) Any other debits or credits existing between the applicant and the United States other than mail pay, transportation of troops, or income-tax matters.

(8) State whether applicant desires the entire amount of the loan for the full term applied for. If so, full particulars should be given.

(9) The latest valuation placed by the Interstate Commerce Commission upon applicant's property, separately stated for owned carrier and noncarrier property, and date as of which valuation was determined, together with the aggregate net property changes to the latest date to which such changes have been reported to the Bureau of Valuation.

(10) State whether any subsidiary or affiliated organization of the applicant, or any organization of which the applicant is a subsidiary, has applied for or received loans from the Reconstruction Finance Corporation. If so, full particulars should be given.

(11) State whether the applicant was a party to the marshaling and distributing plan, 1931, of the Railroad Credit Corporation. If not, the reasons therefor should be given.

(12) State whether the applicant has received loans from the Railroad Credit Corporation. If so, full particulars should be given.

(13) Statement of principal commodities carried, and statement of ten most important industries served.

(14) Statement in detail as to the particular facts upon which applicant relies as to its present and prospective ability to repay the loan and to discharge its obligations in regard thereto.

(15) Detailed description of the security to be offered for the loan. The applicant must furnish full information, together with copies of documents, and data appropriate to the security offered. The applicant should state its opinion of the value of any collateral offered and the basis for that opinion.

(16) Schedules A to R, below:

SCHEDULE A

Miles of line owned; miles operated, subdivided as to first track, other main tracks, yard track, and sidings, and total all tracks operated; also, the principal termini of the road operated. State number of units of locomotives, freight cars, and passenger cars, owned and leased.

SCHEDULE B

(i) Comparative income account for the years ended December 31, 1931, to the latest complete year, inclusive, and for each month of the current year, so far as available, in the form prescribed by the Interstate Commerce Commission in Schedule 300–I of annual report Form A for large roads and Schedule 1801 of annual report Form C for small roads, together with an estimated income account, showing the basis therefor, for each remaining month of the current year and for each month of the year subsequent thereto.

State whether the amounts reported include revenues from actual or anticipated increases in freight rates permitted by the Interstate Commerce Commission in Ex Parte No. 148 or from any actual or anticipated increases under decisions issued subsequently by the Interstate Commerce Commission (including Ex Parte 162), and, if so, show such amounts separately. If such amounts are not included, give estimates, by months, on separate schedule for current year and year subsequent thereto. Also, in this connection, if the Interstate Commerce Commission should cancel or modify downward its decision in Ex Parte 148, or other later decisions, show how this would affect revenues after the modifications became effective.

If applicant prepares a report to stockholders containing a consolidated system income account, covering two or more steam railway companies, which differs from returns in Schedule 300–I, copies of such report should also be furnished.

(ii) Actual and estimated effect of wage increases, by months, for current year and for year subsequent thereto.

(iii) The total dividends declared and the total dividends paid for each of the years indicated under (i) preceding, and to date in the current year.

(iv) Comparative statement of expenditures for maintenance of (1) way and structures and (2) equipment for the years ended December 31, 1931, to the latest complete year, inclusive, and for each month of the current year, together with estimates for the remaining months of the current year, and the basis of such estimates.

(v) For the years indicated in (i) above, details of dividend income (account 513), income from funded securities (account 514), income from unfunded securities and accounts (account 515), income from sinking and other reserve funds (account 516), and miscellaneous income (account 519).

NOTE: The data required by paragraphs (i), (iii), (iv), and (v) above must give effect to any restatement of the accounts which has been made by the Interstate Commerce Commission.

SCHEDULE C

(i) State whether any corporation or corporations, transportation or other, hold control over the applicant. If control is so held, (1) the form of control, whether sole or joint; (2) the name of the controlling corporation or corporations; (3) the manner in which control was established; (4) the extent of control; (5) whether control is direct or indirect; and (6) the name of the intermediary through which control, if indirect, was established.

(ii) State whether any individual, association, or corporation holds control, as trustee or otherwise, over the applicant. If control is so held, (1) the name of the individual or trustee; (2) the name of the beneficiary or beneficiaries for whom the trust is maintained; and (3) the purpose of the trust.

SCHEDULE D

Statement of comparative general balance sheets as of December 31, for the past 10 years, and as of the close of the latest month for which figures are available. Use the Interstate Commerce Commission's annual report Form A, Schedules 200–A and 200–L for large roads and annual report Form C, Schedules 400–A and 400–L for small roads. If applicant prepares a report to stockholders containing a consolidated system balance sheet, covering two or more operating steam railway companies, which differs from returns in Schedules 200–A and 200–L, a copy of the information thus reported to the Interstate Commerce Commission should also be furnished.

SCHEDULE E

Details of capital stock. Large roads should use the Interstate Commerce Commission's annual report Form A, Schedule 251. Small roads should use Form C, Schedule 690.

SCHEDULE F

Details of long-term debt and contingent assets and liabilities. Large roads should use the Interstate Commerce Commission's annual report Form A, Schedules 261–M, 261–E, 110–A, 261–P, and 263. Small roads should use Form C, Schedules 670, 695, 901, and 1702. A list of the mortgages, pledges, or other liens should be given, together with a brief statement concerning each, indicating the property or securities encumbered; the mortgage limit per mile, if any; and particulars as to priority and as to whether "open," "closed," or "open-end." If practicable, copies of all mortgages, deeds of trust, or other similar instruments pertinent to the loan requested should be furnished; it will be necessary to furnish only one copy to the Interstate Commerce Commission and two copies to the Corporation.

SCHEDULE G

Details of loans and bills payable. Large roads should use the Interstate Commerce Commission's annual report Form A, Schedule 271. Small roads should use Form C, Schedule 1701. Class II and III roads should report in detail items in excess of $10,000 and $5,000, respectively. Information on bank loans must include name of lending banks, amounts, date of notes, date loans initially made, maturities, interest rate of obligations, and security therefor.

SCHEDULE H

Details of special deposits and of loans and bills receivable. The Interstate Commerce Commission's annual report Form A, Schedules 224 and 225, should be used. Class II and III roads should report in detail items in excess of $10,000 and $5,000, respectively.

SCHEDULE I

State whether or not the applicant is under obligation as guarantor or surety for the performance by any other corporation, association, firm, or individual of any agreement or obligation. If so, particulars should be given.

SCHEDULE J

Details of other unadjusted debits. The Interstate Commerce Commission's annual report Form A for large roads, Schedule 227, should be used.

SCHEDULE K

Details of other unadjusted credits. The Interstate Commerce Commission's annual report Form A for large roads, Schedule 281, should be used.

SCHEDULE L

The par value of securities of other companies, owned, pledged, and unpledged, listing each class of securities separately, showing purposes for which such securities are pledged. Large roads should use Schedules 217 and 218 of the Interstate Commerce Commission's annual report Form A and small roads should use Schedules 1001 and 1002 of annual report Form C.

SCHEDULE M

Comparative statement for the past 5 years ended December 31 of the amount charged to operating expenses under depreciation accounts, separately for way and structures and equipment, and the estimated amount of such charges for the current year, and subsequently by years during the period for which the loan is desired. State whether applicant has received or applied for authority to charge amortization depreciation and, if so, the basis and reason for such accounting, also the annual rates used in each account.

SCHEDULE N

An estimate of (a) other income, and (b) miscellaneous deductions for income, as defined and classified under Schedule 300–I of the Interstate Commerce Commission's annual report Form A for large roads (Schedule 1801 of annual report Form C for small roads), for the term of the loan applied for, stating under each account the basis of the estimate.

SCHEDULE O

Statement in detail of applicant's probable fixed charges and appropriations of income and surplus for the current year ended December 31, and subsequently by years during the period for which the loan is desired.

SCHEDULE P

If a loan is requested for any construction purpose other than ordinary additions and betterments, copy of complete engineering estimates of costs and time required for completion, contracts, maps, etc., should be furnished. Show such costs separately as between amounts chargeable to operating expenses and to the capital account.

SCHEDULE Q

If an advance is requested for financing an ordinary program of additions and betterments, give description and estimated cost for all items involving gross expenditures in excess of $10,000, with supporting detail regarding any very large special items, the sum total involved, discussion of benefits of the program as a whole, and the extent to which the program is under way. Separate costs between amounts chargeable to operating expenses and to the capital account.

SCHEDULE R

A statement for the current year of the actual cash balance at the beginning of each month and the actual cash receipts and disbursements during each month to date, together with a carefully prepared monthly forecast for the balance of the current year and the year subsequent thereto, stating controlling factors used in making estimates.

NOTE: In connection with all comparative statements supporting the application, substantial fluctuations should be explained. Omit cents from all financial and statistical statements. One complete set of applicant's annual reports to stockholders since December 31, 1931, should be furnished to the Interstate Commerce Commission and one set to the Reconstruction Finance Corporation with application.

(d) *Legal requirements.* (1) Applicants other than receivers or trustees are

required to furnish with the application the following papers:

(i) Documents evidencing the legal power and authority of the applicant to enter into the obligations and give the security contemplated by the application and showing what corporate action by stockholders, directors, or otherwise will be required to validly exercise such powers. These data will generally include special statutes, charters, by-laws, or certified extracts of the same, showing the corporate powers, etc., of the applicant.

(ii) Preliminary opinion of counsel that he is familiar with the corporate powers of the applicant, that the applicant is authorized to make the application, and that when proper corporate action has been taken and the obligations executed, and security delivered as contemplated by the application, such obligations will constitute the valid and subsisting obligations of the applicant duly secured by a first and paramount lien on the same, or by a lien of the rank and priority stated in the application. Such opinion should also cover the validity and lien of each item of the collateral offered.

(iii) Certified copy of resolutions of applicant's board of directors or executive committee will be required showing the authority of the officers to execute and deliver the application.

(2) When and if the application is approved, the following papers will be required for deposit with the security:

(i) Resolutions of the board of directors or executive committee of the applicant, and where necessary, of meetings of the stockholders, authorizing the execution and delivery of the obligations of the applicant delivered to the Corporation, and pledge of the security described therein, pursuant to and under the terms of the application, and authorizing the designated officers to receive and receipt for the proceeds of the loan or purchase.

(ii) Certificate of election and present incumbency in office of officers designated in the foregoing resolutions, such certificate to contain specimen signatures of such officers and to be duly acknowledged before a notary public.

(iii) Final opinion by counsel for the applicant to the effect that he is familiar with the corporate powers of the applicant; that the applicant is authorized to execute and deliver the notes or other obligations evidencing the same, and to pledge and hypothecate the securities described in the application; that the notes or other obligations so executed and so delivered constitute the valid and binding obligations of the applicant, secured by the collateral described in the application and indicating that the Corporation will obtain a lien on such security of the rank and priority stated in the application. Such opinion should also cover the priority and lien of each item of the collateral offered.

(3) In the case of applications by receivers, or trustees, the application should be accompanied by the following:

(i) Certified copy of the order of court authorizing the receiver to make the application.

(ii) Opinion of counsel for the receiver, or trustee, that such receiver, or trustee, is properly qualified and acting, and that he is authorized to make the application; that the court appointing such receiver, or trustee, has jurisdiction and may legally authorize execution of the obligations and pledge of the security as contemplated by the application; that if and when proper decree or order of the court is entered, the receiver, or trustee, will be authorized to execute such obligations or give the security contemplated in the application. Such opinion should also cover the priority and lien of each item of the collateral offered.

(iii) If and when the application of the receiver, or trustee, is approved by the Corporation, the receiver, or trustee, will be required to deposit with the Corporation certified copies of the court orders and decrees authorizing him to execute and deliver the obligations, and to give the security under and according to the terms of the application, together with final opinion of counsel as to the validity of the obligation and the lien of the corporation upon the security so pledged. Such opinion should also cover the priority and lien of each item of the collateral offered.

(4) Under special circumstances, additional legal documents and information may be required.

(e) *Acknowledgment and verification.* The application should be executed in the name of the applicant by the authorized officers and its corporate seal affixed and attested. It should be acknowledged in the usual form and verified substantially as follows with appropriate changes and omissions in the case of receivers or trustees:

STATE OF _____

County of _____, *ss:*

_____ makes oath and says that he is the _____ of the _____
(Title)

_____

that he has carefully examined each and all of the statements contained in the foregoing application; that they are true and correct to the best of his knowledge and belief; that the foregoing application is made with the approval and at the direction of the board of directors of said applicant, as appears by resolution adopted at a meeting of said board, a certified copy of which is attached to the said application, said meeting having been held at _____ on the _____ day of _____, 19____, and that he is the person who has been authorized by said board to execute the foregoing papers and any others which may be required in connection with the loan.

_____
(Signature of Affiant)

Subscribed and sworn to before me, a _____ in and for the State and County above-named, this _____ day of _____, 19____.

_____

[SEAL] _____

My commission expires _____

[Circular 2, RFC, Revised Oct. 1946]
(Secs. 5, 8, 47 Stat. 6 as amended; 15 U. S. C. 605, 608)

3. Section 02.19 (11 F. R. 177A–459) is deleted in its entirety and the following substituted therefor:

§ 02.19 *Office of Defense Supplies*—(a) *In general.* Inquiries regarding the activities of the Office of Defense Supplies should be addressed to Reconstruction Finance Corporation, Office of Defense Supplies, 811 Vermont Avenue NW., Washington 25, D. C. or to the appropriate Reconstruction Finance Corporation Loan Agency.

(b) *Petroleum compensatory adjustments.* Procedures relating to petroleum compensatory adjustments are set forth in 32 CFR, Cum. Supp., 7001.1 et seq; 32 CFR, 1944 Supp., 7001.5; 32 CFR 1945 Supp., 7001.1 et seq; 11 F. R. 5124, 9079, 9856.

(c) *Livestock slaughter payments.* Procedures relative to livestock slaughter payments are set forth in 32 CFR 1944 Supp., 7003.1 et seq; 32 CFR, 1945 Supp., 7003.1 et seq.

(d) *Flour production payments.* Procedures relative to flour production payments are set forth in 32 CFR, 1944 Supp., 7004.1 et seq; 32 CFR, 1945 Supp., 7004.14.

(e) *Mid-continent crude compensatory adjustments.* Procedures relative to mid-continent crude compensatory adjustments are set forth in 32 CFR, 1944 Supp., 7005.1 et seq; 32 CFR, 1945 Supp., 7005.2 and 7005.5.

(f) *Butter production payments.* Procedures relative to butter production payments are set forth in 32 CFR, 1943 Supp., 7002.1 et seq.

(g) *Stripper well compensatory adjustments.* Procedures relative to stripper well compensatory adjustments are set forth in 32 CFR, 1945 Supp., 7007.1 et seq.

4. Section 02.22 (11 F. R. 177A–459) is deleted in its entirety and the following substituted therefor:

§ 02.22 *Federal National Mortgage Association.* Information regarding the activities of the Federal National Mortgage Association may be found in Circular No. 1 of that Association, dated April 15, 1938, copies of which circular may be obtained from the Reconstruction Finance Corporation Loan Agency serving the territory in which the inquirer is located. Further information, if desired, may be procured from Agents of the Association located in the various Reconstruction Finance Corporation Loan Agencies.

5. Section 02.23 (11 F. R. 177A–459) is deleted in its entirety and the following substituted therefor:

§ 02.23 *The RFC Mortgage Company.* Information regarding the activities of The RFC Mortgage Company may be found in Circulars Nos. 1, 3 and 4 of that Company, copies of which Circulars may be obtained from the Reconstruction Finance Corporation Loan Agency serving the territory in which the inquirer is located. Further information if desired, may be secured from Agents of The RFC Mortgage Company located in the various Reconstruction Finance Corporation Loan Agencies.

(Sec. 1, 47 Stat. 5 as amended, 5 U. S. C. and Supp. 601)

[SEAL] A. T. HOBSON,
Secretary.

[F. R. Doc. 47–709; Filed, Jan. 23, 1947; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 42-4]

PART 42—NONSCHEDULED AIR CARRIER CERTIFICATION AND OPERATION RULES

REQUIRED INSTRUMENTS AND EQUIPMENT

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 15th day of January 1947.

A review of recent aircraft accidents indicates the need for additional operating requirements for nonscheduled air carriers to be made effective without unnecessary delay, and the Board finds good cause to make the following amendments effective February 15, 1947:

Now, therefore: Effective February 15, 1947, Part 42 of the Civil Air Regulations is amended as follows:

1. By amending § 42.13 (b) (14) (11 F. R. 5213) to read as follows:

§ 42.13 *Required instruments and equipment.* * * *

(b) *CFR-VFR (night) and IFR.* * * *

(14) Power failure warning light or vacuum gauge on instrument panel connecting to lines leading to gyroscopic instruments.

2. By adding a new § 42.130 to read as follows:

§ 42.130 *Required instruments and equipment for aircraft of 10,000 lbs. or more maximum take-off weight*—(a) *CFR-VFR (night) and IFR.* (1) Instruments and equipment specified in § 42.13 (a) and (b).

(2) Additional air-speed indicator,

(3) Electrically heated pitot tube for each air-speed indicator,

(4) Rate-of-climb indicator,

(5) Artificial horizon indicator,

(6) Additional sensitive altimeter,

(7) Approved carburetor de-icing equipment for each engine,

(8) Additional source of energy to supply gyroscopic instruments which shall be capable of carrying the required load. Engine-driven pumps, when used, shall be on separate engines and, in lieu of one such pump, an auxiliary power unit may be used. The installation shall be such that the failure of one source of energy will not interfere with the proper functioning of the instruments by means of the other source.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-778; Filed, Jan. 24, 1947; 8:49 a. m.]

[Civil Air Regs., Amdt. 42-3]

PART 42—NONSCHEDULED AIR CARRIER CERTIFICATION AND OPERATION RULES

MISCELLANEOUS AMENDMENTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 15th day of January 1947.

A review of recent aircraft accidents indicates the need for additional operating requirements for nonscheduled air carriers to be made effective without delay, and the Board finds good cause to make the following amendment effective immediately.

Now, therefore: Effective January 15, 1947, Part 42 (11 F. R. 5213, 8345, 11355) of the Civil Air Regulations is amended as follows:

1. By amending § 42.15, *Maintenance,* to read as follows:

§ 42.15 *Maintenance.* The operator of the aircraft shall be responsible for maintaining the aircraft in airworthy condition and for performing all repairs, alterations, and overhauls in accordance with Part 18 of this chapter.

No engine shall be operated longer than 1,000 hours between major overhauls, except where otherwise specifically authorized by the Administrator. This will not authorize use of an engine for such full period of 1,000 hours when inspection or operation indicates that a major overhaul should be accomplished prior to that time or where specifically limited by the Administrator in the air carrier operating certificate.

2. By amending § 42.21, *Flight time limitations,* to read as follows:

§ 42.21 *Flight time limitations for pilots on aircraft of 10,000 lbs. or more maximum take-off weight.*

§ 42.210 *General.* (a) A pilot may be scheduled to fly 8 hours or less during any 24 consecutive hours without a rest period during such 8 hours.

(b) A pilot shall receive 24 hours of rest before being assigned further duty when he has flown in excess of 8 hours during any 24 consecutive hours. Time spent in dead-head transportation to or from duty assignment shall not be considered part of such rest period.

(c) A pilot shall be relieved from all duty for not less than 24 consecutive hours at least once during any 7 consecutive days.

(d) A pilot shall not fly as a crew member in air carrier service more than 100 hours during any 30 consecutive days.

(e) A pilot shall not fly as a crew member in air carrier service more than 1,000 hours in any one calendar year.

(f) A pilot shall not do other commercial flying if his total flying time for any specified period will exceed the limits of that period.

§ 42.211 *For aircraft having a crew of two pilots.* (a) A pilot shall not be scheduled to fly in excess of 8 hours during any 24-hour period unless he is given an intervening rest period at or before the termination of 8 scheduled hours of flight duty. Such rest period shall equal at least twice the number of hours flown since the last preceding rest period and in no case shall such rest period be less than 8 hours. During such rest period the pilot shall be relieved of all duty with the air carrier.

(b) A pilot shall not be on duty for more than 16 hours during any 24 consecutive hours.

§ 42.212 *For aircraft having a crew of three pilots.* (a) A pilot shall not be scheduled for duty on the flight deck in excess of 8 hours in any 24-hour period.

(b) A pilot shall not be scheduled to be aloft for more than 12 hours in any 24-hour period.

(c) A pilot shall not be on duty for more than 18 hours in any 24-hour period.

§ 42.213 *For aircraft having a crew of four pilots.* (a) A pilot shall not be scheduled for duty on the flight deck in excess of 8 hours during any 24-hour period.

(b) A pilot shall not be scheduled to be aloft for more than 16 hours in any 24-hour period.

(c) A pilot shall not be on duty for more than 20 hours during any 24-hour period.

3. By amending § 42.22, *Certification and experience,* to read as follows:

§ 42.22 *Certification and experience.*

§ 42.220 *Aircraft of less than 10,000 lbs. maximum take-off weight*—(a) *First pilot.* Any pilot serving as first pilot must hold a valid commercial pilot rating with an aircraft type and class rating for the aircraft in which he is to serve, and for:

(1) Day flight CFR–VFR he must have had at least 50 hours of cross-country flight time as pilot or copilot;

(2) Day flight IFR he must possess a currently effective instrument rating and have had a total of at least 500 hours of flight time as pilot or copilot including 100 hours of cross-country flight;

(3) Night flight CFR–VFR or IFR he must possess a currently effective instrument rating and have had a total of at least 500 hours of flight time as pilot or copilot, including 100 hours of cross-country flight of which 25 hours shall have been during the hours of darkness.

(b) *Second pilot.* Any pilot serving as second pilot in an aircraft requiring more than one pilot must hold for:

(1) CFR–VFR flights a valid commercial pilot rating with the appropriate type and class ratings,

(2) IFR flights, in addition to (1), a currently effective instrument rating.

§ 42.221 *Aircraft of 10,000 lbs. or more maximum take-off weight.* (a) *First pilot.* Any pilot serving as first pilot must:

(1) Possess a valid commercial pilot rating with an aircraft type and class rating for the aircraft in which he is to serve,

(2) Possess a currently effective instrument rating,

(3) Have logged at least 1,200 hours of flight time of which 500 hours shall have been cross country,

(4) Have logged at least 100 hours of night flying of which 50 hours shall have been cross country.

(b) *Second pilot.* Any pilot serving as second pilot must:

(1) Possess a valid commercial pilot rating with an aircraft type and class rating for the aircraft in which he is to serve.

4. By amending § 42.32, *Instrument and equipment serviceability*, to read as follows:

§ 42.32 *Serviceability of equipment.* Prior to starting any flight, the aircraft, aircraft engine(s), propeller(s), and appliances, including all instruments, must be in proper operating condition. If during the flight any of the above equipment malfunctions or becomes inoperative, it shall be the pilot's responsibility to determine whether the flight can be continued with safety. The pilot shall be responsible for holding or cancelling a flight until satisfactory repairs or replacements can be made.

5. By amending § 42.33 (a), *Flight under contact flight rules (CFR)*, to read as follows:

(a) *Flight under contact (visual) flight rules (CFR–VFR)*—(1) *Aircraft of less than 10,000 lbs. maximum take-off weight.* A flight shall not be started unless the aircraft carries sufficient fuel and oil, considering the wind and other weather conditions forecast, to fly to the point of intended landing and thereafter for a period of at least 30 minutes at normal cruising consumption.

(2) *Aircraft of 10,000 lbs. or more maximum take-off weight.* A flight shall not be started unless the aircraft carries sufficient fuel and oil, considering the wind and other weather conditions forecast, to fly to the point of intended landing and thereafter for a period of at least 45 minutes at normal cruising consumption.

6. By amending § 42.34, *Weather minimums*, to read as follows:

§ 42.34 *Weather minimums.*

§ 42.340 *Dispatch.* No flight shall be dispatched unless the current weather reports and forecasts show a trend indicating that the ceiling and visibility at the place of intended landing will be at or above the following minimums at the time of arrival.

(a) *Contact (visual) flight operations (CFR–VFR)*—(1) *Day.* Ceiling 1,000 feet, visibility 1 mile,

(2) *Night.* Ceiling 1,000 feet, visibility 2 miles.

(b) *Instrument flight operations (IFR)*—(1) *Destination.* The minimums specified in the CAA Flight Information Manual, or as otherwise specified or authorized by the Administrator.

(2) *Alternate.* If the airport is served by a radio directional facility, ceiling 1,000 feet, visibility 3 miles; otherwise a ceiling of 1,500 feet with broken clouds or better, visibility 3 miles.

§ 42.341 *Take-off.* No flight shall be started when the ceiling or visibility at the point of departure is less than:

(a) *Contact (visual) flight operations (CFR–VFR)*—(1) *Day.* Ceiling 1,000 feet, visibility 1 mile,

(2) *Night.* Ceiling 1,000 feet, visibility 2 miles.

(b) *Instrument flight operations (IFR).* The minimums specified in the CAA Flight Information Manual, or as otherwise specified or authorized by the Administrator. In no case shall the ceiling be less than 300 feet or the visibility less than one mile.

§ 42.342 *Landing.* No landing shall be made when the ceiling or visibility is less than:

(a) *Contact (visual) flight operations (CFR–VFR)*—(1) *Day.* Ceiling 1,000 feet, visibility 1 mile,

(2) *Night.* Ceiling 1,000 feet, visibility 2 miles.

(b) *Instrument flight operations (IFR).* The minimums as specified in the CAA Flight Information Manual, or as otherwise specified or authorized by the Administrator.

7. By amending § 42.37, *Instrument approach and landing rules*, to read as follows:

§ 42.37 *Instrument approach and landing rules*—(a) *Letting-down-through procedure.* The pilot shall use a standard instrument approach procedure for the airport as prescribed in the CAA Flight Information Manual, or as otherwise authorized by the Administrator.

(b) *Limitations.* No instrument approach procedure shall be executed or landing made when the latest United States Weather Bureau weather report for that airport indicates the ceiling or visibility to be less than that prescribed by the Administrator for landing at such airport.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47–776; Filed, Jan. 24, 1947; 10:34 a. m.]

[Civil Air Regs., Amdt. 43–5]

PART 42—NONSCHEDULED AIR CARRIER CERTIFICATION AND OPERATION RULES

PILOT QUALIFICATIONS

At a session of the Civil Aeronautics Board held at this office in Washington, D. C., on the 15th day of January 1947.

Effective July 15, 1947, Part 42 (11 F. R. 5213, 8345, 11355) of the Civil Air Regulations is amended as follows:

1. By adding to § 42.221 (b) a subparagraph (2) to read as follows:

§ 42.221 *Aircraft of 10,000 lbs, or more maximum take-off weight.* * * *

(b) *Second pilot.* * * *

(2) Possess a currently effective instrument rating.

2. By amending § 42.23 (b), Instrument flight, to read as follows:

(b) *Instrument competency.* A pilot shall not pilot an aircraft under instrument flight rules unless within the preceding 6 calendar months he has demonstrated to the Administrator, or his representative, his ability to competently pilot an aircraft in instrument flight under actual or simulated conditions.

(52 Stat. 984, 1007, 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47–777; Filed, Jan. 24, 1947; 10:34 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Premium Payments Reg. 1 as Amended Jan. 23, 1947, Incl. Int. 1–7]

PART 805—PREMIUM PAYMENTS REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

STRUCTURAL CLAY PRODUCTS

Purpose and findings. This general regulation is issued to stimulate additional production of structural clay products by providing for premium payments with respect to units of additional production above established quotas. It describes how quotas are established, and the methods, procedures and conditions under which such payments may be obtained. This regulation is issued pursuant to the authority of the Veterans' Emergency Housing Act of 1946.

All available means of increasing the supply of structural clay products for the veterans' emergency housing program and for other construction, maintenance and repair essential to the national well-being have been considered. Based on such consideration the Expediter finds that premium payments are temporarily necessary to increase the supply of such materials, and to stimulate additional production with greater rapidity, economy, and certainty than other available methods. The premium payments provided herein are applied at a uniform rate within the industry. In applying premium payments to necessary additional production in this industry, emphasis has been placed upon avoiding either economic dislocations or adverse effects upon established business.

Par.

(a) Definitions.
(b) Computation of production for quotas and claims.
(c) Establishment of quota.
(d) Application for quota.
(e) Rate and computation of premium payment.
(f) Claim for payment.
(g) Payment.
(h) Records.
(i) Official interpretations.
(j) Termination.
(k) Effective date.

§ 805.1 *Structural clay products*—(a) *Definitions.* As used in this section:

(1) "Producer" means a person who operates a plant in which clay products are produced.

(2) "Person" means an individual, corporation, partnership, association, or any other organized group of any of the foregoing, or legal successor or representative of any of the foregoing, but does not include the United States, any of its political subdivisions or any agency thereof, any other Government, any of its political subdivisions or any agency thereof.

(3) "Structural clay products" means what is commonly known to the industry as burned common and face clay brick—glazed and unglazed; structural clay tile—unglazed; and structural facing tile—glazed and unglazed. It does not include drain tile, roofing tile, flue lining,

floor and wall tile, paving brick, fire-clay brick, sewer pipe, quarry tile or any other clay products.

(4) "Plant" means an integrated manufacturing establishment for the production of clay products (within the United States, its Territories, possessions or the District of Columbia) occupying a single site and, where consisting of several complete manufacturing units, using common shipping and storing facilities and common operating supervision.

(5) "Month" means calendar month: *Provided, however,* Any producer on whom this provision works a hardship may apply by letter to the Expediter, Washington, D. C., for authorization to submit his application for quota and claims for payments beginning with the claim for June 1946 on the basis of a stipulated fiscal month. With respect to a producer who has received such authorization, this section shall become effective on the first day of his fiscal month, beginning on or after June 1, 1946, and shall terminate on the same date on which this section terminates as to other producers.

(6) "Full operating month" means a month in which a plant operated at least twenty days except for February during which the plant must have operated at least eighteen days.

(7) "Claim" means a claim for payment filed pursuant to this regulation.

(8) "New producer" means, with respect to a plant which prior to the effective date of this section was not operated for the production of clay products a person who operates such a plant after the effective date of this section and who did not operate prior to the effective date of this section any plant for the production of clay products.

(9) "Expediter" means the Housing Expediter as defined in the Veterans' Emergency Housing Act of 1946 or his duly authorized representative.

(10) "OHE" means the Office of the Housing Expediter.

(b) *Computation of production for quotas and claims.*

(1) For the purpose of determining the quota of a plant and for the purpose of determining the amount of a claim, production of a plant shall be computed according to the following instructions. Find the number of units of completely burned clay products produced in the month involved, computed on the basis of standard size brick equivalents. Except as hereinafter provided, all clay products must be counted immediately subsequent to their burning whether or not they have been removed from the kiln. Producers who have customarily computed their production on the basis of the number of units of completely burned clay products drawn from the kiln, regardless of when such products were burned, may continue to do so for the purpose of computing production under this section, provided that such method is employed to compute production for both quota and claim purposes: and provided further, however, that all clay products must be counted (whether or not removed from the kiln) within 30 days after they have been completely burned. For quantities of clay products counted after being drawn from the kiln, count only those products which are of a grade and character suitable for sale. For quantities of clay products counted before being drawn from the kiln, make a reasonable deduction for breakage and wastage. Do not count quantities of clay products which are in the process of being burned.

[Subparagraph (1) as amended shall become effective as of June 1, 1946]

(2) The following computations shall be used in converting to standard size brick equivalents:

(i) For structural clay tile and drain tile a factor of 1.5 tons per thousand bricks shall be used in making the conversion.

(ii) For glazed and unglazed hollow facing tile, oversize brick and any other clay products not included in subdivision (i) above, the producer shall convert to standard size brick equivalents using the conversion factor, if any, previously utilized by him in preparing reports to other Federal Government agencies, or, if no such conversion factor has ever been so used, using the conversion factor, if any, he has customarily used in his business, or, if no such conversion factor has ever been so used, using such reasonable conversion factor (subject to redetermination by the Expediter) as is applicable in each case. The same conversion factor shall be used for a clay product both for the purpose of computing the quota of the plant in which it was produced and for the purpose of computing all claims for production of that clay product in that plant.

(c) *Establishment of quota.* (1) A separate quota shall be established for each and every plant of the producer as follows:

(i) With respect to a plant where clay products were produced for at least three full operating months during January through May 1946, the quota shall be the lower of the following: (*a*) The arithmetical average of the production of all clay products stated in terms of standard size brick equivalents for the two months of highest production during January through May 1946, or (*b*) 90 percent of the production of all clay products stated in terms of standard size brick equivalents for the month of highest production during January through May 1946.

(ii) With respect to a plant where clay products were produced less than three but at least two full operating months during January through May 1946, the quota shall be 90 percent of the production of all clay products stated in terms of standard size brick equivalents for the month of highest production during those two months.

(iii) With respect to a plant where clay products were produced prior to June 1, 1945, but where no clay products of any kind were produced during the year June 1, 1945, through May 31, 1946, the quota for each month shall be two-thirds of the production of "structural clay products" stated in terms of standard size brick equivalents during that month and premium payments will be made on the remaining one-third. In determining quotas under this paragraph clay products other than "structural clay products" shall not be included.

(iv) With respect to all other plants, a special quota shall be established by the Expediter: *Provided, however,* That no such quota shall be established for a new producer which would result in the application of premium payments to more than 50 percent of the value (in terms of the producer's selling price) of the total output of such producer.

(v) Upon application therefor, a special quota adjusted for any number of consecutive months of the year may be established by the Expediter with respect to a plant where, customarily, because of the effect of weather conditions on plant operations, the production of clay products during said months is substantially less than production in the other months of the year.

(2) In the case of a producer with two or more plants, if the production in any plant falls below the quota for that plant in any month, the Expediter may establish a combined quota for any or all plants if he determines that production has been shifted among such plants so as to increase the producers total claims without a corresponding increase in total output.

(d) *Application for quota.* (1) Every person who wishes to receive premium payments under this section shall file an application for quota on prescribed forms in accordance with instructions on the forms. A separate application shall be filed for each and every plant of the applicant.

(2) With respect to those plants whose quotas are established under paragraph (c) (1) (i), (ii) or (iii) of this section, the application forms may be obtained from any Reconstruction Finance Corporation Loan Agency and shall be filed with the first claim for payment.

(3) All applications for quotas under paragraph (c) (1) (i), (ii) or (iii) of this section shall be filed with the RFC at the Loan Agency for the district in which the plant is located except that a producer operating more than one plant shall simultaneously file the applications covering all his plants at the Loan Agency for the district in which his main office is located. A producer may find out in which RFC Loan Agency district he is located by consulting his bank.

(4) All applications for special quotas under paragraph (c) (1) (iv) or (v) of this section shall be filed with the Civilian Production Administration, Washington, D. C. The application forms may be obtained from any RFC Loan Agency.

(5) Each application for an adjustment of quota pursuant to subdivision (c) (1) (v) of this secion must be filed not later than December 31, 1946: *Provided, however,* That with respect to any plant which has not operated for the

production of clay products between June 1, 1946 and November 30, 1946, inclusive, such application may be filed not later than 30 days following the end of the month in which production first occurs in such plant subsequent to November 30, 1946.

(e) *Rate and computation of premium payment.* (1) A premium payment of $5 for each thousand units of production stated in terms of standard size brick equivalents in excess of established quotas will be made. The amount payable for each month will be computed by subtracting from the total number of units of production stated in terms of standard size brick equivalents during the month the amount of the established quota and multiplying the remainder by $5 per thousand units.

(2) In the case of a plant whose quota includes clay products other than structural clay products, the production for the month covered by the claim may include such other clay products up to but not exceeding the amount of other clay products in its quota. The other clay products in the quota may be found as follows:

(i) With respect to a plant whose quota is the arithmetic average of production in the two months of highest production, take the arithmetic average of the production of other clay products in these two months.

(ii) With respect to a plant whose quota is 90% of production in the month of highest production, take 90% of production of other clay products in that month.

EXAMPLE: A plant has a quota of 1,000 standard size brick equivalent, made up of 800 in structural clay products and 200 in other clay products. In August it produces 1,500 standard size brick equivalent of all clay products made up of 1,200 structural clay products and 300 other clay products. The claim for August should be for 400 standard size brick equivalents of production in excess of quota, computed as follows:

Structural clay products produced	1,200
Other clay products produced (but not in excess of amount in quota)	200
Total production in claim	1,400
Quota	1,000
Production in excess of quota	400

(f) *Claim for payment.* (1) Each claim for payment shall be filed on prescribed forms in accordance with instructions on the forms. These forms may be obtained from any RFC Loan Agency.

(2) Each claim for payment shall be filed on or before the last day of the month following the end of the month in which the production occurred: *Provided, however,* That claims for payment on account of production during the month of June, 1946, may be filed not later than August 31, 1946: *And provided further,* That a producer obtaining a special quota for any plant shall file all previously accrued claims on account of production in that plant not later than the last day of the month following the end of the month in which the special quota was established by the Expediter. With respect to any plant, no claim shall accrue on account of production occurring prior to the first day of the month in which the application for quota for such plant is filed with the Expediter: *Provided, however,* That this provision shall not become effective until November 1, 1946.

(3) Each claim for payment shall include all of the production of the month for which claim is made and no other. Any producer whose production in any month is insufficient to permit the payment of a premium shall nevertheless file a claim form on or before the end of the month following the month in which the deficit occurred as an information return to indicate the amount of such deficit.

(4) Each claim for payment or information return shall be filed with the RFC at the Loan Agency for the District in which the main office of the plant is located, except that a producer operating more than one plant shall simultaneously file the claims or information returns for all of his plants at the Loan Agency for the District in which his main office is located.

(5) No claim under this section shall be assignable except as a part of a bona fide transfer of the plant to a legal successor.

(g) *Payment*—(1) *Review by RFC.* In reviewing applications for quota and claims for payment, the RFC will determine whether such applications and claims appear to have been correctly and properly prepared.

(2) *Terms of payment.* If the claim or any part thereof is accepted by RFC subject to final verification, RFC will then pay the applicant that part of the claim so accepted: *Provided, however,* That with respect to claims for the months of April and May, 1947, RFC may require that bond be furnished in form and amount satisfactory to it before making payment thereon. Preliminary acceptance and payment of a claim shall not constitute final acceptance of the validity or amount of the claim. If, after review or audit, there is cause to question the validity of any claim, RFC may (i) Require that bond be furnished in form and amount satisfactory to it before making further payments, or, (ii) Suspend further payments.

(3) *Verification of claims.* (i) Upon receipt of applications for quota and claims for payment, RFC will forward copies to the Expediter for verification and such investigation or audit as may be deemed appropriate.

(ii) If the amount verified and approved by the Expediter is less than the amount previously paid, the claimant shall upon demand by RFC refund the overage to RFC together with interest thereon at the rate of 4 percent per annum calculated from the date of such overpayment to the date repayment is made to the RFC or such overage plus interest may be deducted from any accrued or subsequent claim for any payment by RFC to the claimant.

(iii) In the event that the Expediter establishes a combined quota under paragraph (c) (2) of this section, payment shall be made on the basis of the amount by which total production of those plants whose quotas have been combined exceeds the total quotas of these plants.

(4) *Invalidation of claims.* The Expediter shall have the right at any time to declare invalid any claim of a producer, and such producer shall upon demand refund to RFC any payment on such claim, if the Expediter finds that the producer has failed: (i) To comply with any of the requirements of this section, or (ii) To accept a rated order for structural clay products as required by the applicable priorities regulations of CPA or OHE.

[Subparagraph (4) as amended shall become effective as of November 10, 1946]

(h) *Records.* Every producer shall prepare and preserve for inspection for a period of not less than two years after the date of termination of this section, all books, records and other documents which furnish information in support of his applications for quota and claims for payment. The Expediter or his designated agents shall have the right at any time to make such examinations and audits of these books, records and other documents as may be necessary to verify the representations in producer's applications for quota and claims for payment or as may be required by the Expediter.

(i) *Official interpretations.* Official interpretations of this section may be given only in writing by the General Counsel of the Office of the Expediter, or his duly authorized representative. A request for an official interpretation must be filed in writing directly with the Expediter or the General Counsel.

(j) *Termination.* This section shall terminate on May 31, 1947. In the event the Expediter finds that any substantive amendments, including but not limited to an amendment of the termination date, have become necessary, no such amendments will be issued until after adequate notice to and discussion with representatives of the producers covered by this section.

Termination of this section shall not preclude the filing of claims for payment during the month following such termination on account of production during the immediately preceding month. Such claims shall be dealt with in accordance with the provisions of this section in the same manner as if it had not been terminated.

[Paragraph (j) as amended shall become effective as of November 10, 1946]

(k) *Effective date.* This section as amended shall become effective as of November 10, 1946.

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 388, 79th Cong.)

Issued this 23d day of January 1947.

FRANK R. CREEDON,
Housing Expediter.

INTERPRETATION 1

ESTABLISHMENT OF QUOTA BY PRODUCER WHO HAS NO PRODUCTION RECORDS (PARAGRAPH (C))

If a producer has no monthly production records, but has monthly sales records and monthly inventory records, he may determine monthly production for purposes of quota by deducting his inventory at the beginning of the month from the total of his sales during the month and his inventory at the end of the month.

If a producer has neither monthly production records nor monthly inventory records, he should apply for a special quota under paragraph (c) (1) (iv) and (d) (4) of the regulation. (Issued July 11, 1946.)

INTERPRETATION 2

CONVERSION FACTOR FOR MODULAR SIZE BRICK

The conversion factor for modular size brick used under MPR 592, Order No. 17, issued by OPA may be used as the conversion factor for modular size brick under this premium payments regulation. The conversion factor under this OPA order is used in computing OPA maximum prices which are then filed by the producer with OPA. It is, therefore a conversion factor previously utilized in preparing reports to a Federal Government agency as required by this premium payments regulation. (Issued July 11, 1946.)

INTERPRETATION 3

APPLICATION OF TERM "STRUCTURAL CLAY PRODUCTS" TO CONCRETE BUILDING BRICK

Concrete and cement building bricks are not "structural clay products", as defined in paragraph (a) (3) of Premium Payments Regulation 1. (Issued July 19, 1946.)

INTERPRETATION 4

APPLICATION OF TERM "STRUCTURAL CLAY PRODUCTS" TO FLOOR BRICK

Floor bricks are not commonly known to the industry as burned common or face clay brick and consequently are not "structural clay products", as defined in paragraph (a) (3) of Premium Payments Regulation 1. (Issued August 9, 1946.)

INTERPRETATION 5

MEANING OF TERM "VALUE OF PRODUCTION" AS USED IN FORM NHA 14-43

The term "Value of production" in Form NHA 14-43 means the producer's selling price, f. o. b. plant. (Issued August 28, 1946.)

INTERPRETATION 6

STRUCTURAL CLAY PRODUCTS; COMPUTATION OF PRODUCTION

Paragraph (b) (1) of Premium Payments Regulation 1 requires that for the purpose of determining the quota of a plant and the amount of a claim, production be computed by determining the number of units of "completely burned clay products produced in the month involved." The term "produced" includes, in its usual sense, the entire process of manufacture. The process of manufacture of a structural clay unit consists of (1) the forming of the unit, (2) the drying of the unit, and (3) the burning of the unit.

When the entire process of manufacture of a structural clay unit in any plant has taken one month or less, then it is proper to determine production in any such month by counting the number of structural clay units completely burned during that month. The same method of determining production may also be used even where the process of manufacture exceeds one month if there are no radical fluctuations (other than normal seasonal fluctuations) in the number of units completely burned from month to month.

Where, however, the process of manufacture of a structural clay unit exceeds one month, and there are radical fluctuations (other than normal seasonal fluctuations) in the number of units completely burned from month to month, it is obvious that the number of units burned in any one month does not even approximate the number of units in fact produced during that month. In such cases, it is necessary to make a reasonable allocation of the number of units completely burned during one or more months to each of the months involved in the production of those units. This should be done by dividing the total number of units completely burned during a selected group of consecutive months by the number of months in such group. It is recognized that as a practical matter in most cases, it will not be possible to select a group of months during which all of the units burned were completely manufactured. However, the aim should be to select a group of months during which the predominant number of the units that were completely burned were also completely manufactured during those same months. The monthly average of the number of completely burned units arrived at in this fashion may be regarded as the production during each of the months in the group selected for this computation.

The principles stated in this official interpretation apply for purposes of determining production both during the quota period and during a claim period. (Issued September 26, 1946.)

INTERPRETATION 7

APPLICATION OF "STRUCTURAL CLAY PRODUCTS" TO IRRIGATION DITCH LINERS AND RADIAL CHIMNEY BRICK

Irrigation ditch liners and radial chimney brick are not "structural clay products" as defined in paragraph (a) (3) of Premium Payments Regulation 1, as amended. (Issued October 24, 1946.)

[F. R. Doc. 47-803; Filed, Jan. 23, 1947; 4:40 p. m.]

[Housing Expediter Premium Payments Reg. 10, as Amended Jan. 23, 1947, Incl. Int. 1]

PART 805—PREMIUM PAYMENTS REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

SAND-LIME BRICK

Purpose and findings. This general regulation is issued to stimulate additional production of sand-lime brick by providing for premium payments with respect to units of additional production above established quotas. It describes how quotas are established, and the methods, procedures and conditions under which such payments may be obtained. This regulation is issued pursuant to the authority of the Veterans' Emergency Housing Act of 1946.

All available means of increasing the supply of sand-lime brick for the veterans' emergency housing program and for other construction, maintenance and repair essential to the national well-being have been considered. Based on such consideration the Expediter finds that premium payments are temporarily necessary to increase the supply of such materials and to stimulate additional production with greater rapidity, economy, and certainty than other available methods. The premium payments provided herein are applied at a uniform rate within the industry. In applying premium payments to necessary additional production in this industry, emphasis has been placed upon avoiding either economic dislocations or adverse effects upon established business.

Par.
- (a) Definitions.
- (b) Computation of production for quotas and claims.
- (c) Establishment of quota.
- (d) Application for quota.
- (e) Rate and computation of premium payment.
- (f) Claim for payment.
- (g) Payment.
- (h) Records.
- (i) Reports.
- (j) Official interpretations.
- (k) Termination.
- (l) Effective date.

§ 805.10 *Sand-lime brick*—(a) *Definitions.* As used in this section:

(1) "Brick" and "Sand-lime brick" mean brick of the type described in "Federal Specification for Brick; Sand-lime", approved June 28, 1932 and published in section IV, Part 5 of the Federal Standard Stock Catalog and identified as document SS-B-681. No sand-lime product having a gross volume, computed from actual overall dimensions, in excess of 176 cubic inches shall be deemed to be "sand-lime brick" under this section.

(2) "Sand-lime product" means any product manufactured in a plant in which sand-lime brick is produced and for which the manufacturing process and the production facilities are substantially similar to those employed in the manufacture of sand-lime brick.

(3) "Person" means an individual, corporation, partnership, association, or any other organized group of any of the foregoing, or legal successor or representative of any of the foregoing, but does not include the United States, any of its political subdivisions or any agency thereof, any other Government, any of its political subdivisions or any agency thereof.

(4) "Producer" means a person who operates a plant for the production of sand-lime brick.

(5) "Plant" means an integrated manufacturing establishment for the production of sand-lime brick (within the United States, its Territories, possessions or the District of Columbia) occupying a single site and, where consisting of several complete manufacturing units, using common shipping and storing facilities and common operating supervision.

(6) "Standard size brick" means brick having a gross volume, computed from actual overall dimensions, of 67.5 cubic inches.

[Subparagraph (6) as amended shall become effective as of October 1, 1946]

(7) "Production" and "Units of Production" mean the number of units of sand-lime brick and other sand-lime products computed pursuant to paragraph (b) of this section and stated in terms of standard size brick equivalents.

(8) "Month" means a calendar month: *Provided, however,* That any producer on whom this provision works a hardship may apply by letter to the

Expediter for authorization to submit his application for quota and claims for payments on the basis of a stipulated fiscal month. With respect to a producer who has received such authorization this section shall become effective on the first day of his fiscal month beginning on or after October 1, 1946, and shall terminate on the same date as this section terminates as to other producers.

(9) "Full operating month" means a month during which a plant operated at least twenty working days except for February, during which the plant must have operated at least eighteen working days.

(10) "New producer". A person who did not operate prior to the effective date of this section any plant for the production of sand-lime brick shall be a new producer as to any plant operated by him for the production of sand-lime brick which was not, prior to the effective date of this section, substantially completed as a plant capable of producing sand-lime brick.

(11) "Claim" means a claim for payment filed pursuant to this section.

(12) "Expediter" means the Housing Expediter as defined in the Veterans' Emergency Housing Act of 1946, or his duly authorized representative.

(13) "OHE" means the Office of the Housing Expediter.

(b) *Computation of production for quotas and claims.* For the purpose of determining the quota of a plant and the amount of a claim, production shall be computed by counting the number of units of all sand-lime products completely cured in the month involved stated in terms of standard size brick equivalents. The number of standard size brick equivalents for all sand-lime products shall be computed by using 67.5 cubic inches as the gross volume equivalent to one standard size brick. For example: A sand-lime brick or other sand-lime product having actual dimensions of 3¾" x 5" x 8" and with a gross volume of 150 cubic inches equals 2.22 brick equivalent. In computing the gross volume of modular size brick for the purpose of converting to standard size brick equivalents, the nominal dimensions of the modular brick should be used rather than its actual dimensions.

[Paragraph (b) as amended shall become effective as of October 1, 1946]

(c) *Establishment of quota.* (1) A separate quota shall be established for each and every plant of the producer as follows:

(i) With respect to a plant where sand-lime products were produced for at least five full operating months during January through September 1946, the quota shall be the lower of the following: (a) The arithmetical monthly average of the production of all sand-lime products for the three months of highest production during January through September 1946 or (b) 90 percent of the production of all sand-lime products for the month of highest production during January through September 1946.

(ii) With respect to a plant where sand-lime products were produced less than five but at least two full operating months during January through September 1946, the quota shall be 90 percent of the production of all sand-lime products for the month of highest production during January through September 1946.

(iii) With respect to a plant where sand-lime products were produced prior to June 1, 1945, but where no sand-lime products of any kind were produced during the period from June 1, 1945 through September 30, 1946, the quota for each month shall be two-thirds of the production of all sand-lime brick during such month and premium payments will be made on the remaining one-third.

(iv) With respect to all other plants, a special quota shall be established by the Expediter: *Provided, however,* That no such quota shall be established for a new producer which would result in the application of premium payments to more than 50 percent of the value (in terms of the producer's selling price) of the total output of such producer.

(v) Upon application therefor, on form NHA 14–113, a special quota adjusted for any number of consecutive months of the year may be established by the Expediter with respect to a plant where, customarily, because of the effect of weather conditions on plant operations the production of sand-lime brick during said months is substantially less than production in the other months of the year.

(2) In the case of a producer with two or more plants, if the production in any plant falls below the quota for that plant in any month, the Expediter may establish a combined quota for any or all plants of such producer if the Expediter determines that production has been shifted among such plants so as to increase the producer's total claims without a corresponding increase in total output.

(3) If the production of sand-lime brick in a plant in any claim period is below the sand-lime brick component of such plant's quota, then the plant's quota for the next succeeding claim period shall consist of its established quota plus the amount of the deficit in the production of sand-lime brick in the preceding claim period; *Provided, however,* That if on the producer's application the Expediter determines that the deficit was due to unusual circumstances beyond the control of the producer, such deficit shall not be added to the established quota. Such application for waiver of the deficit carry-over shall consist of form NHA 14–112 filled out as an information return and filed with the Reconstruction Finance Corporation Loan Agency with which the claims for that plant are filed within 15 days after the end of the month in which the deficit occurred, except that applications with respect to deficits incurred during the months of October, November and December, 1946, may be filed up to and including January 31, 1947.

[Above subparagraph (3) as amended shall become effective as of October 1, 1946]

(d) *Application for quota.* (1) Every producer who wishes to receive premium payments under this section shall file promptly with the Expediter an application for the establishment of quotas for each of his plants on form NHA 14–111 which may be obtained from any Reconstruction Finance Corporation Loan Agency. A producer may find out in which RFC Loan Agency district he is located by consulting his bank.

(2) Each application for an adjustment of quota pursuant to subdivision (c) (1) (v) of this section must be filed not later than January 31, 1947: *Provided, however,* that with respect to any plant which has not operated for the production of sand-lime brick between October 1, 1946, and December 31, 1946, such application may be filed not later than 30 days following the end of the month in which production first occurs subsequent to December 31, 1946.

[Above subparagraph (2) as amended shall become effective as of October 1, 1946]

(e) *Rate and computation of premium payment.* (1) A premium payment of $5.00 for each thousand units of production in excess of established quotas will be made. The amount payable for each month will be computed by subtracting from the total number of units of production of all sand-lime products during the month the amount of the established quota (including any deficit carried over from the previous month as set forth in subparagraph (c) (3) of this section) and multiplying the remainder by $5.00 per thousand units.

(2) In the case of a plant whose quota includes sand-lime products other than sand-lime brick, the production for the month covered by the claim may include such other sand-lime products up to but not exceeding the amount of other sand-lime products in its quota. The other sand-lime products in the quota shall be determined as follows:

(i) With respect to a plant whose quota is the arithmetic average of production in the three months of highest production, take the arithmetic average of the production of other sand-lime products in these three months.

(ii) With respect to a plant whose quota is 90% of production in the month of highest production, take 90% of production of other sand-lime products in that month.

Example: A plant has a quota of 1,000 standard size brick equivalent, made up of 800 in sand-lime brick and 200 in other sand-lime products. In October it produces 1,500 standard size brick equivalent of all sand-lime products made up of 1,200 sand-lime brick and 300 other sand-lime products. The claim for October should be for 400 standard size brick equivalents of production in excess of quota, computed as follows:

Sand-lime brick produced	1,200
Other sand-lime products produced (but not in excess of amount in quota)	200
Total production in claim	1,400
Quota	1,000
Production in excess of quota	400

(f) *Claim for payment.* (1) Each claim shall be filed on form NHA 14–112. These forms may be obtained from any RFC Loan Agency.

(2) Each claim shall be filed on or before the last day of the month following the end of the month in which the production occurred: *Provided, however,* That a producer obtaining a special quota for any plant shall file all previously accrued claims on account of production in that plant not later than the last day of the month following the end of the month in which the special quota was established by the Expediter. Notwithstanding any provision contained in this subparagraph (f) (2), claims based upon production occurring during the months of October, November and December, 1946, may be filed not later than January 31, 1947.

[Above subparagraph (2) as amended shall become effective as of October 1, 1946]

(3) With respect to any plant, no claim shall accrue on account of production occurring prior to the first day of the month in which the application for quota for such plant is filed with the Expediter: *Provided, however,* That this provision shall not become effective until February 1, 1947.

[Above subparagraph (3) as amended shall become effective as of October 1, 1946]

(4) Each claim for payment shall include all of the production of the month for which claim is made and no other. Any producer whose production in any month is insufficient to permit the payment of a premium shall nevertheless file form NHA 14-112 on or before the end of the month following the month in which the deficit occurred as an information return to indicate the amount of the deficit.

(5) Each claim or information return on form NHA 14-112 shall be filed with RFC at the Loan Agency for the District in which the main office of the plant is located, except that a producer operating more than one plant shall simultaneously file the claims or information returns for all of his plants at the Loan Agency for the District in which his main office is located.

(6) No claim under this section shall be assignable except as a part of the bona fide transfer of the plant to a legal successor.

(g) *Payment*—(1) *Review by RFC.* In reviewing claims, the RFC will determine whether such claims appear to have been correctly and properly prepared.

(2) *Terms of payment.* If the claim or any part thereof is accepted by RFC subject to final verification, RFC will then pay the claimant that part of the claim so accepted: *Provided, however,* That with respect to claims for the last two months during which this section is in effect RFC may require that bond be furnished in form and amount satisfactory to it before making payment.

Preliminary acceptance and payment of a claim shall not constitute final acceptance of the validity or amount of the claim. If, after review or audit, there is cause to question the validity of any claim, RFC may:

(i) Require that bond be furnished in form and amount satisfactory to it before making further payments, or,

(ii) Suspend further payments.

(3) *Verification of claims.* (i) Upon receipt of claims, RFC will forward copies to the Expediter for verification and such investigation or audit as may be deemed appropriate.

(ii) If the amount verified and approved by the Expediter is less than the amount previously paid, the claimant shall upon demand by RFC refund the overage to RFC together with interest thereon at the rate of 4% per annum calculated from the date of such overpayment to the date repayment is made to the RFC or such overage plus interest may be deducted from any accrued or subsequent claim for any payment by RFC to the claimant.

(iii) In the event that the Expediter establishes a combined quota under paragraph (c) (2) of this section, payment shall be made on the basis of the amount by which total production of those plants whose quotas have been combined exceeds the total quotas of those plants.

(4) *Invalidation of claims.* The Expediter shall have the right at any time to declare invalid any claim of a producer, and such producer shall upon demand refund to RFC any payment on such claim, if the Expediter finds that the producer has failed:

(i) To comply with any of the requirements of this section, or,

(ii) To comply with directives, certifications, allocations, orders or regulations of the Civilian Production Administration or OHE on sand-lime brick.

[Subdivision (ii) as amended shall become effective as of November 10, 1946]

(h) *Records.* Every producer shall prepare and preserve for inspection for a period of not less than two years after the date of termination of this section, all books, records and other documents which furnish information in support of its applications for quota and claims for payment. The Expediter or his designated agents shall have the right at any time to make such examinations and audits of these books, records and other documents as may be necessary to verify the representations in the producer's applications for quota and claims for payment or as may be required by the Expediter.

(i) *Reports.* Producers must furnish such reports as may be required by the Expediter from time to time, subject to approval by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(j) *Official interpretations.* Official interpretations of this section may be given only in writing by the General Counsel of the Office of the Expediter, or his duly authorized representative. A request for an official interpretation must be filed in writing directly with the Expediter or the General Counsel.

(k) *Termination.* This section shall terminate on May 31, 1947. In the event that the Expediter finds that any substantive amendments become necessary, including but not limited to an amendment of the termination date, no such amendments will be issued until after adequate notice to and discussion with representatives of the producers covered by this section.

Termination shall not preclude the filing of claims for payment during the month following such termination on account of production during the immediately preceding month. Such claims shall be dealt with in accordance with the provisions of this section in the same manner as if it had not been terminated.

[Above paragraph as amended shall become effective as of November 10, 1946]

(l) *Effective date.* This section shall become effective as of October 1, 1946.

NOTE: The reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(60 Stat. 207)

Issued this 23d day of January 1947.

FRANK R. CREEDON,
Housing Expediter.

INTERPRETATION 1

MEANING OF "SAND-LIME BRICK"

In order to meet the requirements for sand-lime brick set forth in paragraph (a) (1) of EPPR 10, a sand-lime brick must include the ingredients set forth in the Federal Specification for sand-lime brick and may also include cement but only when, and to the extent that, this is necessary to overcome strength deficiencies. In all cases, sand-lime brick must be cured under high steam pressure to develop the chemical reaction characteristic of sand-lime brick (industry practice requires the use of a chamber or auto-clave within which an average of not less than 110 pounds per sq. in. steam pressure is developed and maintained for at least eight hours). (Issued December 11, 1946.)

[F. R. Doc. 47-802; Filed, Jan. 23, 1947; 4:40 p. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

Subchapter I—Grazing

PART 73—GRAZING, PINE RIDGE AERIAL GUNNERY RANGE

Sec.
73.1 Objectives.
73.2 Administration.
73.3 Grazing permits.
73.4 Preference in awarding permits.
73.5 Permit requirements.
73.6 Grazing fees.
73.7 Delinquent fees, their collection.

AUTHORITY: §§ 73.1 to 73.7, inclusive, issued under R. S. 161; 5 U. S. C. 22.

§ 73.1 *Objectives.* It is the purpose of the regulations in this part to achieve the preservation and rehabilitation through proper grazing practices of the forage, forest, land, and water resources of the area known as the Pine Ridge Aerial Gunnery Range, hereinafter referred to as the Gunnery Range, and to provide for the use of the area under proper permits.

§ 73.2 *Administration.* So far as applicable §§ 71.5, 71.6, 71.7, 71.8, 71.22, 71.23 (a), and 71.26 of the general grazing regulations governing the use of Indian range lands, which are contained in Title 25, Code of Federal Regulations, together with any subsequent amend-

ments, shall govern the administration of the Gunnery Range. All forms necessary to carry out the purpose of the regulations in this part shall be approved by the Commissioner of Indian Affairs.

§ 73.3 *Grazing permits.* Grazing privileges shall be granted through the medium of permits by the Superintendent of the Pine Ridge Indian Agency, Pine Ridge, South Dakota. The Superintendent shall post at public places for a period of fifteen days notices of the availability of the Gunnery Range for the grazing of livestock. Applications for grazing privileges must be submitted within the 15-day period during which the notice is posted. Permits for the cutting of hay may be issued by the Superintendent at rates comparable to the existing rates in the Pine Ridge Reservation. No permits shall be issued for farming purposes.

§ 73.4 *Preference in awarding permits.* In awarding grazing privileges preferences shall be given in the following order to:

(a) Former fee title owners, former Indian trust owners, and livestock operators owning established ranch headquarters within or adjacent to the Gunnery Range and who were using a portion of the area for grazing purposes at the time of acquisition by the War Department.

(b) Indian allottees whose former allotments were within the Gunnery Range but whose ranch headquarters were not within the area.

(c) Other livestock operators having established ranch headquarters adjacent to the Gunnery Range.

§ 73.5 *Permit requirements.* Permits shall be limited to 1-year periods on an annual renewal basis subject to the following provisions:

(a) The Secretary of War may terminate any or all permits when the use of the area for grazing interferes with the purpose of the Gunnery Range.

(b) Permittees shall be responsible for the reasonable protection of all improvements within the permitted areas. Permittees shall be allowed to use for improvement purposes within the Gunnery Range such salvage materials as may be located on any lands within their permitted areas. Title to such materials shall, however, remain in the United States.

(c) Permittees shall maintain at their own expense all existing water facilities. They may, however, also develop and maintain such additional water facilities as they may elect, and shall have the privilege of removing, at the termination of their permits, such personal property as they may have installed on the premises.

(d) Permittees assume all risks of personal damage or of injury or loss to personal property incident to the use of the Gunnery Range, and agree to waive all claims which they may now have for damages or compensation for loss of personal property incident to the acquisition by the United States of any or all lands within the Gunnery Range.

(e) Permittees are prohibited from cutting timber.

(f) Permits do not establish any permanent rights of possession or use by permittees to the areas covered by their permits and the privileges granted are temporary only.

§ 73.6 *Grazing fees.* Permittees shall be required by the terms of their permits to pay grazing fees on a level with existing rates within the Pine Ridge Indian Reservation, less 20 percent to offset the risk assumed in occupying the Gunnery Range subject to use by the War Department for military purposes. All grazing fees shall be paid to the Superintendent of the Pine Ridge Agency for appropriate disposition.

§ 73.7 *Delinquent fees, their collection.* Requests for court action to collect delinquent payments of grazing fees, trespass penalties, and damages shall be made by the Superintendent to the Commissioner of Indian Affairs. The requests shall be accompanied by all necessary information and evidence. Documents shall be submitted by the Superintendent to the Commissioner of Indian Affairs in quadruplicate.

ROBERT P. PATTERSON,
Secretary of War.
WARNER W. GARDNER,
Assistant Secretary of the Interior.

DECEMBER 23, 1946.

[F. R. Doc. 47-759; Filed, Jan. 24, 1947; 8:58 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter II—Geological Survey, Department of the Interior

PART 226—UNIT OR COOPERATIVE AGREEMENTS

Sec.

226.1 Introduction.
226.2 Definitions.
226.3 Designation of unit area; depth of test well.
226.4 Preliminary consideration of certain unit or cooperative agreements.
226.5 Parties to unit or cooperative agreement.
226.6 Qualifications of unit operator.
226.7 State land.
226.8 Approval of unit or cooperative agreement.
226.9 Filing of papers and number of counterparts.
226.10 Bonds.
226.11 Appeals.
226.12 Form of unit agreement for unproven areas.
226.13 Form of collective bond.
226.14 Form of designation of successor unit operator by working interest owners.
226.15 Form of change in unit operator by assignment.

AUTHORITY: §§ 226.1 to 226.15, inclusive, issued under sec. 32, 41 Stat. 450, Pub. Law 696, 79th Cong., 30 U. S. C. 189.

§ 226.1 *Introduction.* The regulations in this part prescribe the procedure to be followed and the requirements to be met by holders of Federal oil and gas leases (see § 226.2 (d)) and their representatives who wish to unite with each other, or jointly or separately with others, in collectively adopting and operating under a cooperative or unit plan for the development of any oil or gas pool, field, or like area, or any part thereof (see 43 CFR, 192.20, 192.21).

§ 226.2 *Definitions.* The following terms, as used in this part or in any agreement approved under the regulations in this part, shall have the meanings here indicated unless otherwise defined in such agreement:

(a) *Unit agreement.* An agreement or plan of development and operation for the recovery of oil, gas, natural gasoline, and associated fluid hydrocarbons made subject thereto as a single consolidated unit without regard to separate ownerships and for the allocation of costs and benefits on a basis as defined in the agreement or plan.

(b) *Cooperative agreement.* An agreement or plan of development and operation for the recovery of oil, gas, natural gasoline, and associated fluid hydrocarbons made subject thereto in which separate ownership units are independently operated without allocation of production.

(c) *Agreement.* For convenience, the term "agreement" as used in the regulations in this part refers to both a unit or a cooperative agreement as defined in paragraphs (a) and (b) of this section unless otherwise indicated.

(d) *Federal lease.* A lease issued under the act of February 25, 1920, as amended (41 Stat. 437, as amended; 30 U. S. C. and Sup. 181, et seq.)

(e) *Unit area.* The area described in an agreement as constituting the land logically subject to development under such agreement.

(f) *Unitized land.* The part of a unit area committed to an agreement.

(g) *Unitized substances.* Deposits of oil, gas, natural gasoline, and associated fluid hydrocarbons recoverable by operation under and pursuant to an agreement.

(h) *Unit operator.* The person, association, partnership, corporation, or other business entity designated under a unit agreement to conduct operations on unitized land as specified in such agreement.

(i) *Participating area.* That part of a unit area to which production is allocated in the manner described in a unit agreement.

(j) *Working interest.* The interest held in unitized substances or in lands containing the same by virtue of a lease, operating agreement, fee title, or otherwise, under which, except as otherwise provided in a unit or cooperative agreement, the owner of such interest is vested with the right to explore for, develop, and produce such substances. The right vested in the unit operator as such by the unit agreement is not to be regarded as a working interest.

(k) *Secretary.* The Secretary of the Interior or any person duly authorized to exercise the powers vested in that officer.

(l) *Director.* The Director of the Geological Survey.

(m) *Supervisor.* The oil and gas supervisor of the Geological Survey for the region in which a unit area is situated.

§ 226.3 *Designation of unit area; depth of test well.* An application for designation of an area as logically subject to

development under a unit or cooperative agreement and for determination of the depth of a test well may be filed by any proponent of such an agreement. Such application shall be accompanied by a map or diagram on a scale of not less than 1 inch to 1 mile, outlining the area sought to be designated under this section. The Federal, State and privately owned land should be indicated by distinctive symbols or colors. Federal oil and gas leases and lease applications should be identified by lease serial numbers. Geologic information, including the results of any geophysical surveys, and any other available information showing that unitization is necessary and advisable in the public interest should be furnished. If requested, geologic information so furnished will be treated as confidential. These data will be considered by the Director and the applicant informed of the decision reached. The designation of an area, pursuant to an application filed under this section, shall not create an exclusive right to submit an agreement for such area, nor preclude the inclusion of such area or any part thereof in another unit area.

§ 226.4 *Preliminary consideration of certain unit or cooperative agreements.* The form of unit agreement set forth in § 226.12, is acceptable for use in unproven areas. The use of this form is not mandatory, but any substantial departure therefrom should be submitted for preliminary consideration and such revision as may be deemed necessary prior to the execution of the agreement by the interested parties. In areas proposed for unitization in which a discovery of oil or gas has been made, or where a cooperative agreement is contemplated, modification of the form of unit agreement set forth in § 226.12 will be necessary. Any such proposed agreement should likewise be submitted for preliminary consideration and such revision as may be deemed necessary in advance of execution by the interested parties.

§ 226.5 *Parties to unit or cooperative agreement.* The owners of any right, title, or interest in the oil and gas deposits to be unitized are regarded as proper parties to a proposed agreement. All such parties must be invited to join the agreement. If any party fails or refuses to join the agreement, the proponent of the agreement, at the time it is filed for approval, must submit evidence of reasonable effort made to obtain joinder of such party and the reasons for nonjoinder. The address of each signatory party to the agreement should be inserted below the signature. Each signature should be attested by at least one witness, if not notarized. Corporate or other signatures made in a representative capacity must be accompanied by evidence of the authority of the signatories to act unless such evidence is already a matter of record in the Department. The parties may execute any number of counterparts of the agreement with the same force and effect as if all parties signed the same document, or may execute a ratification or consent in a separate instrument with like force and effect.

§ 226.6 *Qualifications of unit operator.* A unit operator must qualify as to citizenship in the same manner as those holding interests in oil and gas leases under the Mineral Leasing Act (see 43 CFR 192.42 (b)). The unit operator may be an owner of a working interest in the unit area or such other party as may be selected by the owners of working interests. The unit operator shall execute an acceptance of the duties and obligations imposed by the agreement. No designation of or change in a unit operator will become effective unless and until approved by the Secretary or the Director and no such approval will be granted unless the unit operator is deemed qualified to fulfill the duties and obligations prescribed in the agreement.

§ 226.7 *State land.* Where State-owned land is to be unitized approval of the agreement by appropriate State officials must be obtained prior to its submission to the Department for final approval. When authorized by the laws of the State in which the unitized land is situated, appropriate provision may be made in the agreement accepting such laws to the extent that they are applicable to non-Federal unitized land.

§ 226.8 *Approval of unit or cooperative agreement.* A unit or cooperative agreement will be approved by the Secretary upon a determination that such agreement is necessary and advisable in the public interest and is for the purpose of more properly conserving natural resources. Such approval will be incorporated in a certificate appended to the agreement. No such agreement will be approved unless one or more of the parties are holders of a Federal lease or leases in the unit area and unless the parties signatory to the agreement hold sufficient interests in the unit area to give reasonably effective control of operations. Any modification of an approved agreement will require like approval by the Secretary.

§ 226.9 *Filing of papers and number of counterparts.* All papers, instruments, documents, and proposals submitted under these regulations should be filed in the office of the oil and gas supervisor for the region in which the unit area is situated unless otherwise provided in these regulations or otherwise instructed by the Director.

An application for designation of a proposed unit area and determination of the required depth of test well should be filed in triplicate. A like number of counterparts should be filed of any geologic data and any other information submitted in support of such application.

Where substantial modification of the form of unit agreement set forth in § 226.12, is proposed, triplicate copies of the proposed agreement as modified should be submitted for preliminary consideration.

Where a duly executed agreement is submitted for final Departmental approval a minimum of six signed counterparts should be filed. If State lands are involved an additional counterpart should be provided for delivery to the appropriate State authority. The same number of counterparts must be filed for documents supplementing, modifying, or amending an agreement, including change of operator, designation of new operator, designation of a participating area, and notice of surrender, relinquishment, or termination.

Four counterparts of a substantiating geologic report, including structure-contour map, cross sections, and pertinent data, shall accompany each application for approval of a participating area or amendment thereof under an approved agreement.

Four counterparts are required of a plan of further development and operation submitted for approval under an approved agreement.

One approved counterpart of each instrument or document submitted for approval will be returned to the operator by the approving official or his representative, together with such additional counterparts as may have been furnished for that purpose.

§ 226.10 *Bonds.* In lieu of separate bonds required for each Federal lease committed to a unit agreement, the unit operator may furnish and maintain a collective corporate surety bond or a personal bond conditioned upon faithful performance of the duties and obligations of the agreement and the terms of the leases subject thereto. Personal bonds shall be accompanied by a deposit of negotiable Federal securities in a sum equal at their par value to the amount of the bond, and by a proper conveyance to the Secretary of full authority to sell such securities in case of default in the performance of the obligations assumed. The liability under the bond shall be for such amount as the Director shall determine to be adequate to protect the interests of the United States, and additional bond may be required whenever deemed necessary. The bond may be filed with the manager of the district land office or the supervisor, and shall be transmitted by such officer to the Director of the Bureau of Land Management. Evidence must be furnished the supervisor that such bond has been accepted by the Director of the Bureau of Land Management before operations will be authorized. A form of corporate surety bond is set forth in § 226.13. In case of change of unit operator a new bond must be filed or consent of surety to such change must be furnished.

§ 226.11 *Appeals.* An appeal may be taken to the Secretary, pursuant to 30 CFR, Cum. Supp. § 221.66, from any decision, order, or ruling of the Director under the regulations in this part.

§ 226.12 *Form of unit agreement for unproven areas.*

Unit agreement for the development and operation of the _____ Unit Area, County of _____, State of _____, I-Sec. No. ____.

This agreement, entered into as of the ___ day of _____, 19___, by and between the parties subscribing, ratifying, or consenting hereto, and herein referred to as the "parties hereto,"

Witnesseth:

Whereas the parties hereto are the owners of working, royalty, or other oil or gas interests in the unit area subject to this agreement; and

Whereas the act of February 25, 1920, 41 Stat. 437, 30 U. S. C. secs. 181, et. seq., as amended by the act of August 8, 1946, 60 Stat. 950, authorizes Federal lessees and their representatives to unite with each other, or jointly or separately with others, in collectively adopting and operating under a cooperative or unit plan of development or operation of any oil or gas pool, field, or like area, or any part thereof, for the purpose of more properly conserving the natural resources thereof whenever determined and certified by the Secretary of the Interior to be necessary or advisable in the public interest; and

Whereas the parties hereto hold sufficient interests in the _____ Unit Area to give reasonably effective control of operations therein; and

Whereas it is the purpose of the parties hereto to conserve natural resources, prevent waste, and secure other benefits obtainable through development and operation of the area subject to this agreement under the terms, conditions, and limitations herein set forth;

Now, therefore, in consideration of the premises and the promises herein contained, the parties hereto commit to this agreement their respective interests in the unit area and agree severally among themselves as follows:

ENABLING ACT AND REGULATIONS

1. The act of February 25, 1920, as amended, supra, and all valid pertinent regulations, including operating and unit plan regulations, heretofore issued thereunder or valid pertinent and reasonable regulations hereafter issued thereunder are accepted and made a part of this agreement.[1]

UNIT AREA

2. The following-described land is hereby designated and recognized as constituting the unit area:

(Insert land description of unit area by legal subdivisions of public survey in accordance with the following example:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 20 N., R. 100 W.,
Sec. 2, lot 1, SW¼SE¼;
Sec. 3, NE¼;
Etc.

Total unit area ____ acres more or less.)

Exhibit A attached hereto is a map showing the unit area and the known ownership of all land and leases in said area. Exhibit B attached hereto is a schedule showing the percentage and kind of ownership of oil and gas interests in all land in the unit area. Exhibits A and B shall be revised by the Unit Operator whenever changes in the unit area or other changes render such revision necessary, and not less than six copies of the revised exhibits shall be filed with the Oil and Gas Supervisor.

The above-described unit area shall be expanded or contracted, whenever such action is necessary or desirable to conform with the purposes of this agreement, in the following manner: (a) Unit Operator, on his/its own motion or on demand of the Director of the Geological Survey, hereinafter referred to as Director, shall prepare a notice of proposed expansion or contraction describing the contemplated changes in the boundaries of the unit area, the reasons therefor, and the proposed effective date thereof.

(b) Said notice shall be delivered to the Oil and Gas Supervisor, hereinafter referred to as Supervisor, and copies thereof mailed to the last known address of each working interest owner, lessee, and lessor whose interests are affected, advising that 30 days will be allowed for submission to the Unit Operator of any objections.

(c) Upon expiration of the 30-day period provided in the preceding item (b) hereof, Unit Operator shall file with the Supervisor evidence of mailing of the notice of expansion or contraction and a copy of any objections thereto which have been filed with the Unit Operator.

(d) After due consideration of all pertinent information, the expansion or contraction shall, upon approval by the Director become effective as of the date prescribed in the notice thereof.

All land committed to this agreement shall constitute land referred to herein as "unitized land" or "land subject to this agreement."

UNITIZED SUBSTANCES

3. All oil, gas, natural gasoline, and associated fluid hydrocarbons in any and all formations of the unitized land are unitized under the terms of this agreement and herein are called "unitized substances."

UNIT OPERATOR

4. _____ is hereby designated as Unit Operator and by signature hereto commits to this agreement all interests in unitized substances vested in him/it as set forth in Exhibit B, and agrees and consents to accept the duties and obligations of Unit Operator for the discovery, development, and production of unitized substances as herein provided. Whenever reference is made herein to the Unit Operator, such reference means the Unit Operator acting in that capacity and not as an owner of interests in unitized substances.

The Unit Operator may resign as Unit Operator whenever not in default under this agreement, but no Unit Operator shall be relieved from the duties and obligations of Unit Operator for a period of 6 months after he/it has served notice of intention to resign on all owners of working interests subject hereto and the Director unless a new Unit Operator shall have been selected and approved and shall have assumed the duties and obligations of Unit Operator prior to the expiration of said 6-month period. Upon default or failure in the performance of his/its duties or obligations under this agreement the Unit Operator may be removed by a majority vote of owners of working interests determined in like manner as herein provided for the selection of a successor Unit Operator. Prior to the effective date of relinquishment by or within 6 months after removal of Unit Operator, the duly qualified successor Unit Operator shall have an option to purchase on reasonable terms all or any part of the equipment, material, and appurtenances in or upon the land subject to this agreement, owned by the retiring Unit Operator and used in his/its capacity as such operator, or if no qualified successor operator has been designated, the working interest owners may purchase such equipment, material, and appurtenances. At any time within the next ensuing 3 months any equipment, material, and appurtenances not purchased and not necessary for the preservation of wells may be removed by the retiring Unit Operator, but if not removed shall become the joint property of the owners of unitized working interests in the participating area or, if no participating area has been established, in the entire unit area. The termination of the rights as Unit Operator under this agreement shall not terminate the right, title, or interest of such Unit Operator in his/its separate capacity as owner of interests in unitized substances.

SUCCESSOR UNIT OPERATOR

5. Whenever the Unit Operator shall relinquish the right as Unit Operator or shall be removed, the owners of the unitized working interests in the participating area on an acreage basis, or in the unit area on an acreage basis until a participating area shall have been established, shall select a new Unit Operator. A majority vote of the working interests qualified to vote shall be required to select a new Unit Operator; *Provided*, That, if a majority but less than 75 percent of the working interests qualified to vote are owned by one party to this agreement, a concurring vote of at least one additional working interest owner shall be required to select a new operator. Such selection shall not become effective until (a) a Unit Operator so selected shall accept in writing the duties and responsibilities of Unit Operator, and (b) the selection shall have been approved by the Director. If no successor Unit Operator is selected and qualified as herein provided, the Director at his election may declare this unit agreement terminated.

UNIT ACCOUNTING AGREEMENT

6. If the Unit Operator is not the sole owner of working interests, all costs and expenses incurred in conducting unit operations hereunder and the working interest benefits accruing hereunder shall be apportioned among the owners of unitized working interests in accordance with a unit accounting agreement by and between the Unit Operator and the other owners of such interests, whether one or more, separately or collectively. Any agreement or agreements entered into between the working interest owners and the Unit Operator as provided in this section, whether one or more, are herein referred to as the "unit accounting agreement." No such agreement shall be deemed either to modify any of the terms and conditions of this unit agreement or to relieve the Unit Operator of any right or obligation established under this unit agreement, and in case of any inconsistently or conflict between this unit agreement and the unit accounting agreement this unit agreement shall prevail. Three true copies of any unit accounting agreement executed pursuant to this section shall be filed with the Supervisor.

RIGHTS AND OBLIGATIONS OF UNIT OPERATOR

7. Except as otherwise specifically provided herein, the exclusive right, privilege, and duty of exercising any and all rights of the parties hereto which are necessary or convenient for prospecting for, producing, storing, and disposing of the unitized substances are hereby vested in and shall be exercised by the Unit Operator as herein provided. Acceptable evidence of title to said rights shall be deposited with said Unit Operator and, together with this agreement, shall constitute and define the rights, privileges, and obligations of Unit Operator. Nothing herein, however, shall be construed to transfer title to any land or to any lease or operating agreement, it being understood that under this agreement the Unit Operator, in his/its capacity as Unit Operator, shall exercise the rights of possession and use vested in the parties hereto only for the purposes herein specified.

The Unit Operator shall pay all costs and expenses of operation with respect to the unitized land. If and when the Unit Operator is not the sole owner of all working interests, such costs shall be charged to the account of the owner or owners of working interests, and the Unit Operator shall be reimbursed therefor by such owners and shall account to the working interest owners for their respective shares of the revenue and benefits derived from operations hereunder, all in the manner and to the extent provided in the unit accounting agreement. The Unit Operator shall render each month to the owners of unitized interests entitled thereto an accounting of the operations on unitized land during the previous calendar month, and shall pay in value or deliver in kind to each party entitled thereto a proportionate and allocated share of the benefits accruing hereunder in conformity with operating agreements, leases, or other inde-

[1] Where State or privately owned lands are involved add: "and as to non-Federal land applicable State laws are accepted and made part of this agreement."

pendent contracts between the Unit Operator and the parties hereto either collectively or individually.

The development and operation of land subject to this agreement under the terms hereof shall be deemed full performance by the Unit Operator of all obligations for such development and operation with respect to each and every part or separately owned tract of land subject to this agreement, regardless of whether there is any development of any particular part or tract of the unit area, notwithstanding anything to the contrary in any lease, operating agreement, or other contract by and between the parties hereto or any of them.

DRILLING TO DISCOVERY

8. Within 6 months after the effective date hereof, the Unit Operator shall begin to drill an adequate test well at a location to be approved by the Supervisor, and thereafter continue such drilling diligently until a well not less than ____ feet in depth has been drilled, unless at a lesser depth unitized substances shall be discovered which can be produced in paying quantities or the Unit Operator shall at any time establish to the satisfaction of the Supervisor that further drilling of said well would not be warranted. If the first or any subsequent test well fails to result in the discovery of a deposit of unitized substances capable of being produced in paying quantities, the Unit Operator shall continue drilling diligently one well at a time, allowing not more than 6 months between the completion of one well and the beginning of the next well, until a well capable of producing unitized substances in paying quantities is completed to the satisfaction of said Supervisor, or until it is reasonably proved that the unitized land is incapable of producing unitized substances in paying quantities. Nothing in this section shall be deemed to limit the right of the Unit Operator to resign, as provided in section 4 hereof, after any well drilled under this section is placed in a satisfactory condition for suspension or is plugged and abandoned pursuant to applicable regulations. The Director may modify the drilling requirements of this section by granting reasonable extensions of time when, in his opinion, such action is warranted. Upon failure to comply with the drilling provisions of this section, the Director may, after reasonable notice to the Unit Operator, and each working interest owner, lessee, and lessor at their last known addresses, declare this unit agreement terminated.

PLAN OF FURTHER DEVELOPMENT AND OPERATION

9. Within 6 months after completion of a well capable of producing unitized substances in paying quantities, the Unit Operator shall submit for the approval of the Supervisor an acceptable plan of development and operation for the unitized land which, when approved by the Supervisor, shall constitute the further drilling and operating obligations of the Unit Operator under this agreement for the period specified therein. Thereafter, from time to time before the expiration of any existing plan, the Unit Operator shall submit for the approval of the Supervisor a plan for an additional specified period for the development and operation of the unitized land. Any plan submitted pursuant to this section shall provide for exploration of the unitized area and for the determination of the commercially productive area thereof in each and every productive formation and shall be as complete and adequate as the Supervisor may determine to be necessary for timely development and proper conservation of the oil and gas resources of the unitized area and shall (a) specify the number and locations of any wells to be drilled and the proposed order and time for such drilling; and (b) to the extent practicable specify the operating practices regarded as necessary and advisable for proper conservation of natural resources. Separate plans may be submitted for separate productive zones, subject to the approval of the Supervisor. Said plan or plans shall be modified or supplemented when necessary to meet changed conditions or to protect the interests of all parties to this agreement. Reasonable diligence shall be exercised in complying with the obligations of the approved plan of development. The Supervisor is authorized to grant a reasonable extension of the 6-month period herein prescribed for submission of an initial plan of development where such action is justified because of unusual conditions or circumstances. All parties hereto agree that after completion of one commercially productive well no further wells, except such as may be necessary to afford protection against operations not under this agreement, shall be drilled except in accordance with a plan of development approved as herein provided.

PARTICIPATION AFTER DISCOVERY

10. Upon completion of a well capable of producing unitized substances in paying quantities or as soon thereafter as required by the Supervisor, the Unit Operator shall submit for approval by the Director a schedule, based on subdivisions of the public-land survey or aliquot parts thereof, of all unitized land then regarded as reasonably proved to be productive of unitized substances in paying quantities; all land in said schedule on approval of the Director to constitute a participating area, effective as of the date of first production. Said schedule also shall set forth the percentage of unitized substances to be allocated as herein provided to each unitized tract in the participating area so established, and shall govern the allocation of production from and after the date the participating area becomes effective. A separate participating area shall be established in like manner for each separate pool or deposit of unitized substances or for any group thereof produced as a single pool or zone. The participating area or areas so established shall be revised from time to time, subject to like approval, whenever such action appears proper as a result of further drilling operations or otherwise, to include additional land then regarded as reasonably proved to be productive in paying quantities (or to exclude land then regarded as reasonably proved not to be productive),[7] and the percentage of allocation shall also be revised accordingly. The effective date of any revision shall be the first of the month following the date of first authentic knowledge or information on which such revision is predicated, unless a more appropriate effective date is specified in the schedule. No land shall be excluded from a participating area on account of depletion of the unitized substances.

It is the intent of this section that a participating area shall represent the area known or reasonably estimated to be productive in paying quantities; but, regardless of any revision of the participating area, nothing herein contained shall be construed as requiring any retroactive apportionment of any sums accrued or paid for production obtained prior to the effective date of revision of the participating area.

In the absence of agreement at any time between the Unit Operator and the Director as to the proper definition or redefinition of a participating area, or until a participating area has, or areas have, been established as provided herein, the portion of all payments affected thereby may be impounded in a manner mutually acceptable to the owners of working interests, except royalties due the United States, which shall be determined by the Supervisor and the amount thereof deposited with the district land office of the Bureau of Land Management to be held as unearned money until a participating area is finally approved and then applied as earned or returned in accordance with a determination of the sum due as Federal royalty on the basis of such approved participating area.

Whenever it is determined, subject to the approval of the Supervisor, that a well drilled under this agreement is not capable of production in paying quantities and inclusion of the land on which it is situated in a participating area is unwarranted, production from such well shall be allocated to the land on which the well is located so long as that well is not within a participating area established for the pool or deposit from which such production is obtained.[8]

ALLOCATION OF PRODUCTION

11. All unitized substances produced from each participating area established under this agreement, except any part thereof used for production or development purposes hereunder, or unavoidably lost, shall be deemed to be produced equally on an acreage basis from the several tracts of unitized land of the participating area established for such production and, for the purpose of determining any benefits that accrue on an acreage basis, each such tract shall have allocated to it such percentage of said production as its area bears to the said participating area. It is hereby agreed that production of unitized substances from a participating area shall be allocated as provided herein regardless of whether any wells are drilled on any particular part or tract of said participating area.

DEVELOPMENT OR OPERATION ON NON-PARTICIPATING LAND

12. Any party hereto, other than the Unit Operator, owning or controlling a majority of the working interests in any unitized land not included in a participating area and having thereon a regular well location in accordance with a well-spacing pattern established under an approved plan of development and operation may drill a well at such location at his own expense, unless within 90 days of receipt of notice from said party of his intention to drill the well the Unit Operator elects and commences to drill such well in like manner as other wells are drilled by the Unit Operator under this agreement.

If such well is not drilled by the Unit Operator and results in production such that the land upon which it is situated may properly be included in a participating area, the party paying the cost of drilling such well shall be reimbursed as provided in the unit accounting agreement for the cost of drilling similar wells in the unit area, and the well shall be operated pursuant to the terms of this agreement as though the well had been drilled by the Unit Operator.

If any well drilled by the Unit Operator or by an owner of working interests, as provided in this section, obtains production insufficient to justify inclusion of the land on which said well is situated in a participating area, said owner of working interests at his

[7] Words in parenthesis may be deleted at option of proponent of a unit agreement.

[8] If the entire unit area constitutes a single participating area section 10 should be revised to read as follows, with appropriate revision in section 11 and deletion of section 12:

10. Oil unitized land shall constitute a participating area for the purpose of determining any right of participation under the terms of this agreement. The percentage interest of each owner of rights in the total participating area shall govern the ratio of participation under this agreement.

election, within 30 days after determination of such insufficiency, shall be wholly responsible for and may operate and produce the well at his sole expense and for his sole benefit. If such well was drilled by the Unit Operator and said owner of working interests elects to operate said well, he shall pay the Unit Operator a fair salvage value for the casing and other necessary equipment left in the well.

Wells drilled or produced at the sole expense and for the sole benefit of an owner of working interest other than the Unit Operator shall be operated pursuant to the terms and provisions of this agreement. Royalties in amount or value of production from any such well shall be paid as specified in the lease affected.

ROYALTIES AND RENTALS

13. The Unit Operator, on behalf of the parties hereto, shall pay in value or deliver in kind, according to the rights of the parties established by underlying leases or agreements, all royalties due upon production allocated to unitized land and shall pay all rentals or minimum royalties due on unitized land. All such payments or deliveries in kind shall be charged by the Unit Operator to the appropriate working interest owners as provided in the unit accounting agreement. Nothing herein contained shall operate to relieve the lessees of Federal land from their obligations under the terms of their respective leases to pay rentals and royalties.

Royalty due the United States shall be computed as provided in the operating regulations and paid in value or delivered in kind as to all unitized substances on the basis of the amounts thereof allocated to unitized Federal land as provided herein at the rates specified in the respective Federal leases, or at such lower rate or rates as may be authorized by law or regulation: *Provided*, That for leases on which the royalty rate depends on the daily average production per well, said average production shall be determined in accordance with the operating regulations as though each participating area were a single consolidated lease.

Rental or minimum royalty for land of the United States subject to this agreement shall be paid at the rates specified in the respective Federal leases, or such rental or minimum royalty may be waived, suspended, or reduced to the extent authorized by law and applicable regulations.

CONSERVATION

14. Operations hereunder and production of unitized substances shall be conducted to provide for the most economical and efficient recovery of said substances, to the end that the maximum efficient yield may be obtained without waste, as defined by or pursuant to State or Federal law or regulation; and production of unitized substances shall be limited to such production as can be put to beneficial use with adequate realization of fuel and other values.

DRAINAGE

15. The Unit Operator shall take appropriate and adequate measures to prevent drainage of unitized substances from unitized land by wells on land not subject to this agreement, or pursuant to applicable regulations pay a fair and reasonable compensatory royalty as determined by the Supervisor.

LEASES AND CONTRACTS CONFORMED TO AGREEMENT

16. The parties hereto holding interests in leases embracing unitized land of the United States consent that the Secretary of the Interior, hereinafter called Secretary, may, and the Secretary by his approval of this agreement does, establish, alter, change, or revoke the drilling, producing, rental, minimum royalty, and royalty requirements of such leases and the regulations in respect thereto, to conform said requirements to the provisions of this agreement, but otherwise the terms and conditions of said leases shall remain in full force and effect.

Said parties further consent and agree, and the Secretary by his approval hereof determines, that during the effective life of this agreement, drilling and producing operations performed by the Unit Operator upon any unitized land will be accepted and deemed to be operations under and for the benefit of all unitized leases embracing land of the United States; and that no such lease shall be deemed to expire by reason of failure to produce wells situated on land therein embraced. Any Federal lease for a term of 20 years or any renewal thereof or any part of such lease which is made subject to this agreement shall continue in force until the termination hereof. Any other Federal lease committed hereto shall continue in force as to the committed land so long as the lease remains committed hereto, provided a valuable deposit of unitized substances is discovered prior to the expiration date of the primary term of such lease. Authorized suspension of all operations and production on the unitized land shall be deemed to constitute authorized suspension with respect to each unitized lease.

The parties hereto holding interests in land within the unit area other than Federal land consent and agree, to the extent of their respective interests, that all leases or other contracts concerning such land shall be modified to conform to the provisions of this agreement and shall be continued in force and effect during the life of this agreement.

COVENANTS RUN WITH LAND

17. The covenants herein shall be construed to be covenants running with the land with respect to the interests of the parties hereto and their successors in interest until this agreement terminates, and any grant, transfer, or conveyance of interest in land or leases subject hereto shall be and hereby is conditioned upon the assumption of all privileges and obligations hereunder by the grantee, transferee, or other successor in interest, and as to Federal land shall be subject to approval by the Secretary.

EFFECTIVE DATE AND TERM

18. This agreement shall become effective upon approval by the Secretary and shall terminate on _____ unless (a) such date of expiration is extended by the Director, or (b) it is reasonably determined prior to the expiration of the fixed term or any extension thereof that the unitized land is incapable of production of unitized substances in paying quantities and after notice of intention to terminate the agreement on such ground is given by the Unit Operator to all parties in interest at their last known addresses, the agreement is terminated with the approval of the Director, or (c) a valuable discovery of unitized substances has been made on unitized land during said initial term or any extension thereof, in which case the agreement shall remain in effect so long as unitized substances can be produced from the unitized land in paying quantities; or (d) it is terminated as provided in section 5 or section 8 hereof. This agreement may be terminated at any time by not less than 75 percentum, on an acreage basis, of the owners of working interests signatory hereto with the approval of the Director.

RATE OF PROSPECTING, DEVELOPMENT, AND PRODUCTION

19. All production and the disposal thereof shall be in conformity with allocations, allotments, and quotas made or fixed by any duly authorized person or regulatory body under any Federal or State statute. The Director is hereby vested with authority to alter or modify from time to time, in his discretion, the rate of prospecting and development and the quantity and rate of production under this agreement, such authority being hereby limited to alteration or modification in the public interest, the purpose thereof and the public interest to be served thereby to be stated in the order of alteration or modification.

DETERMINATIONS BY OPERATOR AND REVIEW THEREOF

20. The Unit Operator shall determine the date of first authentic knowledge or information on which revision of any participating area shall be predicated and shall determine whether any well is productive of unitized substances in paying quantities. The Unit Operator shall make all other determinations required under this agreement for which a different method of determination is not otherwise established and shall give timely notice of all determinations not herein specifically authorized to all interested parties at their last known addresses. Notice of all determinations by the Unit Operator under this section shall be furnished to the Director through the Supervisor and may be reviewed by the Director on his own initiative or on written request of any interested party, notice of any such review to be given to all interested parties, including the Unit Operator, within 60 days after receipt of notice of a determination by the Unit Operator. Any matter so reviewed, may on request of the Unit Operator or at the option of the Director, be submitted to a committee of three competent persons appointed by the Director, one on nomination of the Unit Operator, one on nomination of the other interested parties, and the third on nomination of the first two. The cost of such committee shall be a cost of operation. The report of the committee, which shall be binding on the committee when concurred in by any two of its members, shall be submitted to the Director for his consideration, and the Director shall submit copies thereof to Unit Operator and other interested parties. After consideration of all credible evidence the Director shall render a reasonable decision based thereon and in conformity therewith, which decision, except for the right of appeal to the Secretary, shall be final and binding on all parties hereto.

UNAVOIDABLE DELAY

21. All obligations under this agreement requiring the Unit Operator to commence or continue drilling or to operate on or produce unitized substances from any of the lands covered by this agreement shall be suspended while, but only so long as, the Unit Operator despite the exercise of due care and diligence is prevented from complying with such obligations, in whole or in part, by strikes, lockouts, acts of God, Federal, State, or municipal laws or agencies, unavoidable accidents, uncontrollable delays in transportation, inability to obtain necessary materials in open market, or other matters beyond the reasonable control of the Unit Operator whether similar to matters herein enumerated or not.

COUNTERPARTS

22. This agreement may be executed in any number of counterparts with the same force and effect as if all parties had signed the same document, or this agreement may be ratified with like force and effect by a separate instrument in writing specifically referring hereto. Any separate counterpart, consent, or ratification duly executed after approval hereof by the Secretary shall be effective on the first day of the month next following the filing thereof with the Supervisor, unless objection thereto is made by the Director and notice of such objection is served upon the appropriate parties within 60 days after such filing.

FAIR EMPLOYMENT

23. The Unit Operator shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin, and an identical provision shall be incorporated in all subcontracts.

LOSS OF TITLE

24. In the event title to any tract of unitized land or substantial interest therein shall fail and the true owner cannot be induced to join this unit agreement, so that such tract is not committed to this unit agreement, there shall be such readjustment of participation as may be required on account of such failure of title. In the event of a dispute as to title or as to any interest in unitized land, the Unit Operator may withhold payment or delivery on account thereof without liability for interest until the dispute is finally settled: *Provided*, That, as to Federal land or leases, no payments of funds due the United States shall be withheld, but such funds shall be deposited with the district land office of the Bureau of Land Management to be held as unearned money pending final settlement of the title dispute, and then applied as earned or returned in accordance with such final settlement.

In witness whereof, the parties hereto have caused this agreement to be executed and have set opposite their respective names the date of execution.

----------, 19-- ----------
----------, 19-- ----------
----------, 19-- ----------

CERTIFICATION—DETERMINATION

Pursuant to the authority vested in the Secretary of the Interior, under the act approved February 25, 1920, 41 Stat. 437, 30 U. S. C. secs. 181, et seq., as amended by the act of August 8, 1946, 60 Stat. 950, I do hereby:

A. Approve the attached agreement for the development and operation of the ---------- Unit Area, State of ---------.

B. Certify and determine that the unit plan of development and operation set forth in the attached agreement is necessary and advisable in the public interest and is for the purpose of more properly conserving the natural resources of the unit area.

C. Certify and determine that the drilling, producing, rental, minimum royalty, and royalty requirements of all Federal leases committed to said agreement are hereby established, altered, changed, or revoked to conform with the terms and conditions of this agreement.

Dated --------

———— ————,
Secretary of the Interior.

§ 226.13 *Form of collective bond.*

COLLECTIVE CORPORATE SURETY BOND

Know all men by these presents, That we, ----------, signing as Prin-
(Name of Unit Operator)
cipal, for and on behalf of the record owners of unitized substances now or hereafter covered by the unit agreement for the ----------, approved ---------, and
(Name of Unit) (Date)
----------, as Surety, are
(Name and address of Surety)
jointly and severally held and firmly bound unto the United States of America in the sum of ---------- Dollars, lawful
(Amount of bond)
money of the United States, for the use and benefit of and to be paid to the United States and any entryman or patentee of any portion of the unitized land, heretofore entered or patented with the reservation of the oil or gas deposits to the United States, for which payment, well and truly to be made, we bind ourselves, and each of us, and each of our heirs, executors, administrators, successors, and assigns by these presents.

The condition of the foregoing obligation is such, that, whereas the Secretary of the Interior on --------- approved under the
(Date)
provisions of the act of February 25, 1920, 41 Stat. 437, 30 U. S. C. secs. 181, et seq., as amended by the act of August 8, 1946, 60 Stat. 950, a unit agreement for the development and operation of the ----------
(Name of Unit
----------; and
and State)

Whereas said Principal and record owners of unitized substances, pursuant to said unit agreement, have entered into certain covenants and agreements as set forth therein, under which operations are to be conducted; and

Whereas said Principal as Unit Operator has assumed the duties and obligations of the respective owners of unitized substances as defined in said unit agreement; and

Whereas said Principal and Surety agree to remain bound in the full amount of the bond for failure to comply with the terms of the unit agreement, and the payment of rentals, minimum royalties, and royalties due under the Federal leases committed to said unit agreement; and

Whereas the Surety hereby waives any right of notice of and agrees that this bond may remain in force and effect notwithstanding:

(a) Any additions to or change in the ownership of the unitized substances herein described;

(b) Any suspension of the drilling or producing requirements or waiver, suspension, or reduction of rental or minimum royalty payments or reduction of royalties pursuant to applicable laws or regulations thereunder; and

Whereas said Principal and Surety agree to the payment of compensatory royalty under the regulations of the Interior Department in lieu of drilling necessary offset wells in the event of drainage; and

Whereas nothing herein contained shall preclude the United States from requiring an additional bond at any time when deemed necessary:

Now, therefore, if the said Principal shall faithfully comply with all of the provisions of the above-identified unit agreement and with the terms of the leases committed thereto, then the above obligation is to be of no effect; otherwise to remain in full force and virtue.

Signed, sealed, and delivered this ---- day of ----------, 19---, in the presence of:

Witnesses:

---------- ----------
---------- (Principal)
---------- ----------
---------- (Surety)

§ 226.14 *Form of designation of successor unit operator by working interest owners.*

Designation of successor Unit Operator ---------- Unit Area, County of ---------, State of ---------. I-Sec. No. ----.

This indenture, dated as of the --- day of --------, 19--, by and between ----------, hereinafter designated as "First Party," and the owners of unitized working interests, hereinafter designated as "Second Parties,"

WITNESSETH

Whereas under the provisions of the act of February 25, 1920, 41 Stat. 437, 30 U. S. C. secs. 181, et seq., as amended by the act of August 8, 1946, 60 Stat. 950, the Secretary of the Interior, on the --- day of --------, 19 , approved a unit agreement for the ---------- Unit Area, wherein ---------- is designated as Unit Operator: and

Whereas said ---------- has resigned as such Operator,[1] and the designation of a successor Unit Operator is now required pursuant to the terms thereof; and

Whereas the First Party has been and hereby is designated by Second Parties as Unit Operator, and said First Party desires to assume all the rights, duties, and obligations of Unit Operator under the said unit agreement:

Now, therefore, in consideration of the premises hereinbefore set forth and the promises hereinafter stated, the First Party hereby covenants and agrees to fulfill the duties and assume the obligations of Unit Operator under and pursuant to all the terms of the ---------- unit agreement, and the Second Parties covenant and agree that, effective upon approval of this indenture by the Director of the Geological Survey, First Party shall be granted the exclusive right and privilege of exercising any and all rights and privileges as Unit Operator, pursuant to the terms and conditions of said unit agreement; said unit agreement being hereby incorporated herein by reference and made a part hereof as fully and effectively as though said unit agreement were expressly set forth in this instrument.

In witness whereof, the parties hereto have executed this instrument as of the date hereinabove set forth.

---------- ----------
(Witnesses) (First Party)
---------- ----------
---------- ----------
(Witnesses) (Second Parties)

I hereby approve the foregoing indenture designating ---------- as Unit Operator under the unit agreement for the --------- Unit Area, this --- day of ---------, 19---.

———— ————,
Director of the Geological Survey.

§ 226.15 *Form of change in Unit Operator by assignment.*

Change in Unit Operator ---------- Unit Area, County of ---------, State of ---------, I-Sec. No. ----.

This indenture, dated as of the --- day of ---------, 19--, by and between ----------, hereinafter designated as "First Party," and ----------, hereinafter designated as "Second Party,"

Witnesseth. Whereas under the provisions of the act of February 25, 1920, 41 Stat. 437, 30 U. S. C. secs. 181, et seq., as amended by the act of August 8, 1946, 60 Stat. 950, the Secretary of the Interior, on the --- day of ---------, 19---, approved a unit agreement for the ---------- Unit Area, wherein the First Party is designated as Unit Operator; and

Whereas the First Party desires to transfer, assign, release, and quitclaim, and the Second Party desires to assume all the rights, duties, and obligations of Unit Operator under the unit agreement; and

Whereas for sufficient and valuable consideration, the receipt whereof is hereby acknowledged, the First Party has transferred, conveyed, and assigned all his/its rights under certain operating agreements involving lands within the area set forth in said unit agreement unto the Second Party:

Now, therefore, in consideration of the premises hereinbefore set forth, the First Party does hereby transfer, assign, release, and quitclaim unto Second Party all of First Party's rights, duties, and obligations as Unit Operator under said unit agreement; and

Second Party hereby accepts this assignment and hereby covenants and agrees to

[1] Where the designation of a successor Unit Operator is required for any reason other than resignation, such reason shall be substitued for the one stated.

fulfill the duties and assume the obligations of Unit Operator under and pursuant to all the terms of said unit agreement to the full extent set forth in this assignment, effective upon approval of this indenture by the Director of the Geological Survey; said unit agreement being hereby incorporated herein by reference and made a part hereof as fully and effectively as though said unit agreement were expressly set forth in this instrument.

In witness whereof, the parties hereto have executed this instrument as of the date hereinabove set forth.

(Witnesses) (First Party)

(Witnesses) (Second Party)

I hereby approve the foregoing indenture designating _____ as Unit Operator under the unit agreement for the _____ Unit Area, this ___ day of _____, 19___.

_____,
Director of the Geological Survey.

Recommended for approval: December 6, 1946.

THOMAS B. NOLAN,
Acting Director of the Geological Survey.

Approved: January 17, 1947.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

[F. R. Doc. 47-757; Filed, Jan. 24, 1947; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 296]

PART 802—GENERAL LICENSES

GIFT PARCELS

Section 802.29 is hereby amended to read as follows:

§ 802.29 *General license for gift parcels*—(a) *General license.* There is hereby granted a general license authorizing the exportation of gift parcels, as defined in paragraph (b) of this section, to all destinations to which parcel post service is available: *Provided,* That such exportation is in accordance with the following provisions of this section.

(b) *Definition.* For the purpose of this general license, a gift parcel is defined as a parcel containing commodities having a total value not in excess of $25.00 donated to an individual in a foreign country free of cost to such individual, mailed by parcel post to such individual and conforming to Post Office Department regulations as to size and weight: *Provided,* That in no event shall the weight exceed 11 pounds.

(c) *General license designation.* The legend "gift parcel" shall be plainly written on the address side of the parcel and on any customs declaration required by the Bureau of Customs. The inscription of the legend "gift parcel" on the parcel shall constitute a certification by the donor that the shipment complies with the provisions of this general license.

(d) *Destinations*—(1) *Shipments to destinations other than Germany and Japan.* Gift parcels may be sent to individuals in all destinations to which parcel post service is available except Germany and Japan, in accordance with the following provisions:

(i) No gift parcel shall contain commodities other than those of a personal nature, such as: Clothing; piece goods; toilet preparations, including soaps and shaving creams; writing materials; medicinals, including vitamins; and nonperishable foodstuffs; sent free of cost to an individual in a foreign country.

(ii) Not more than one gift parcel may be sent by the same donor to the same donee in any one calendar week.

(2) *Shipments to Germany and Japan.* Gift parcels may be sent to persons in all of the occupied zones of Germany including Berlin and to persons located in the islands of Honshu, Kyushu, Shikoku, or Hokkaido in occupied Japan in accordance with the following provisions:

(i) A gift parcel shall contain no commodity other than clothing, non-perishable foodstuffs, medicinals and vitamins, soaps and shaving creams.

(ii) Not more than one gift parcel may be sent from the same donor to the same donee in any one calendar week.

This amendment shall become effective January 15, 1947.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; 50 U. S. C. App. Sup. 701, 702; E. O. 9630, September 27, 1945, 10 F. R. 12245)

Dated: January 17, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-763; Filed, Jan. 24, 1947; 8:55 a. m.]

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1076]

CHARLES W. ALTHEN

Charles W. Althen, 1350 West Broad Street, Columbus, Ohio, on or about November 22, 1946, without authorization of the Civilian Production Administration, began construction and thereafter carried on construction of a one-story commercial building to be used for storage purposes located at 21 Highland Avenue, Columbus, Ohio, the estimated cost of which construction was in excess of $1,000. The beginning of construction and the carrying on of construction as aforesaid constituted a wilful violation of Veterans' Housing Program Order No. 1. This violation had diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1076 *Suspension Order No. S-1076.* (a) Neither Charles W. Althen, his successors or assigns, nor any other person shall do any further construction on the one-story storage building located at 21 Highland Avenue, Columbus, Ohio, including putting up, completing or altering the structure, unless hereafter authorized in writing by the Civilian Production Administration.

(b) Charles W. Althen shall refer to this order in any application or appeal which he may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Charles W. Althen, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 24th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-839; Filed, Jan. 24, 1937; 11:33 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 26—ORGANIZATION AND FUNCTIONS OF THE NAVAL ESTABLISHMENT

BUREAU OF YARDS AND DOCKS

Amend § 26.12 (c), relating to the organization and functions of the naval establishment (11 F. R. 177A-172) to read as follows:

§ 26.12 *Bureau of Yards and Docks.* * * *

(c) To perform the functions for which the Chief of the Bureau is responsible, the Bureau is organized as follows:

Chief of the Bureau:
- Deputy and Assistant Chief of the Bureau.
- Chief Planning Officer.
- Chief Inspector.
- Administration and Personnel Department:
  - Personnel Division (Civil).
  - Administrative Services Division.
  - Public Information Division.
  - Personnel Division (Military).
  - Civil Engineer Corps Reserve Activities Division.
  - Central Division and Security Office.
- Finance and Operating Department:
  - Real Estate Division.
  - Contract Division.
  - Legislative Division.
  - Maintenance Budget Division.
  - Financial Division.
  - Accounting and Audit Division.
  - General Maintenance and Operations Division.

Chief of the Bureau—Continued
Finance and Operating Department—Con.
Automotive Transportation Division.
Housing Community Facilities and Access Roads.
Investigations and Special Studies.
Civil Works Division.
Surplus Personal Property Division.
Planning and Design Department:
Administrative Division.
Research and Standards Division.
Design Manager.
Planning Division.
Technical Services Division.
Historical Division.
Construction Department:
Fleet and Industrial Facilities Division.
Aviation Division.
Power and Utility Division.
Radio, Marine Corps Storage Division.
Statistical Reports and Priorities Division.
Ordnance Division.
Hospital and Personnel Structures Division.
Overseas Base Division.

(Sec. 12, 60 Stat. 244)

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 47-761; Filed, Jan. 24 1947; 8:55 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter I—Bureau of Federal Supply, Department of the Treasury

PART 5—ORGANIZATION AND PROCEDURES

DELEGATION OF AUTHORITY AS TO SETTLEMENT OF CERTAIN EQUITABLE CLAIMS; FILING SUCH CLAIMS

1. Section 5.3 (11 F. R. 177A-99) is hereby amended by the addition of paragraph (i), reading as follows:

§ 5.3 *Delegations of final authority.*
* * *

(i) *Settlement of certain equitable claims.* Making and approving settlement of claims, as the central authority of the Treasury Department, under Public Law 657, 79th Congress (60 Stat. 902), and the performance of all functions, powers and duties of the Treasury Department incident to the administration of said Law: Director, Bureau of Federal Supply.

2. Subpart B (11 F. R. 177A-100) is hereby amended by the addition of § 5.104, reading as follows:

§ 5.104 *Certain equitable claims.* Contractors desiring to file claims for relief in accordance with Public Law 657, 79th Congress (60 Stat. 902) must, in filing, comply in all respects with the regulations prescribed by the President October 5, 1946 (E. O. 9786; 11 F. R. 11553). All claims to be presented to the Treasury Department must be filed with the Director, Bureau of Federal Supply, Treasury Department, Washington 25, D. C.

(Sec. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244; Sec. 1, Pub. Law 657, 79th Cong., 60 Stat. 902)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-741; Filed, Jan. 24, 1947; 10:34 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 14—ELECTRIC RAILWAYS: UNIFORM SYSTEM OF ACCOUNTS

REVOCATION OF ACCOUNTING BULLETIN

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 17th day of January A. D. 1947.

The matter of a uniform system of accounts for electric railways being under consideration by the division pursuant to the provisions of section 20 of the Interstate Commerce Act; and,

It appearing that, by order dated April 2, 1917, Accounting Bulletin No. 14, consisting of official interpretations of the accounting regulations then in effect, was approved as mentioned in a footnote following 49 CFR Part 14; and

It further appearing that, by order dated March 29, 1946, the "Uniform System of Accounts for Electric Railways, Issue of 1947," superseded previously effective accounting regulations which had been officially interpreted in Accounting Bulletin No. 14 and rendered those interpretations inapplicable after the effective date of said system of accounts;

It is ordered, That Accounting Bulletin No. 14 be, and it is hereby, canceled and that notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(54 Stat. 917, 49 U. S. C. 20 (3))

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-764; Filed, Jan. 24, 1947; 8:55 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter Q—Alaska Commercial Fisheries

PART 201—ALASKA FISHERIES GENERAL REGULATIONS

1. Section 201.9 *Traps must be made inoperative within 12 hours after close of season* (8 F. R. 6854, 10 F. R. 3291, 4042, 11 F. R. 3103) is hereby amended to delete the last sentence of the regulation and substitute therefor the following: "For the Alaska Peninsula, Kodiak, and Prince William Sound areas the close of the season is defined as the end of the fishing period specified under paragraph (c) (2) of the sections pertaining to open seasons in those areas, and for districts in the Southeastern Alaska area the close of the season is defined as the end of the fishing period specified under paragraph (c) (4) of the sections pertaining to open seasons in those districts."

2. Section 201.13 is hereby amended to read as follows:

§ 201.13 *Release of small king salmon taken by trolling.* In commercial trolling operations no king salmon shall be taken which measures less than 26 inches from tip of snout to fork of tail. In the event any such undersized salmon are thus taken, they must be carefully removed from the hook without jerking or other action causing injury and returned to the water alive. Possession of any king salmon of less than this length will be regarded as prima facie evidence of unlawful taking.

3. Section 201.23 *Filing of trap site locations* (11 F. R. 3103) is hereby amended to substitute "February 15, 1947" for "April 15, 1946".

4. Section 201.25 is hereby amended to substitute "1947" for "1946".

5. A new regulation, to be known as § 201.25a, is hereby inserted following § 201.25, to read as follows:

§ 201.25a *Operation of trap site by permit holder.* No person who in the fishing season 1946 held a permit for a trap site and did not himself occupy such site but instead leased or assigned such site to another person under arrangements by which the permit holder did not bear all or a substantial part of the expenses and financial risk involved in the installation, care, service, and use of the trap shall be allowed to occupy, lease, or assign such site. The Secretary or his authorized representative may, however, in exceptional cases authorize occupation of such site for good cause shown. Any trap site occupied, leased, or assigned in violation of this section will be closed.

6. Section 201.26 *Definitions* (11 F. R. 3103) is hereby amended to substitute "201.25a" for "201.25".

PART 204—BRISTOL BAY AREA SALMON FISHERIES

1. A new regulation to be known as § 204.6a is hereby inserted following § 204.6, to read as follows:

§ 204.6a *Certification of citizenship and residence by stake and set net operators.* Every operator of a stake or set net for commercial purposes shall furnish to the local representative of the Fish and Wildlife Service in advance of the fishing season a sworn statement that he is a citizen of the United States and has resided continuously in the area embracing Bristol Bay and the arms and tributaries thereof for a period of at least two years immediately preceding the opening date for fishing.

2. Section 204.11 *Size of mesh and depth of salmon gill nets* (10 F. R. 3291, 11 F. R. 3104, 11307) is hereby amended to substitute a period for the colon in the first sentence, and delete the remainder of the sentence.

3. Section 204.12 is hereby amended to read as follows:

§ 204.12 *Opening date for red-salmon fishing; exception.* Commercial fishing for salmon with nets of mesh less than 8½ inches stretched measure between knots is prohibited each year prior to 6 o'clock antemeridian June 23, except in the Ugashik district where such fishing

is prohibited each year prior to 6 o'clock antemeridian June 30.

4. Section 204.13 is hereby amended to read as follows:

§ 204.13 *Closed seasons, salmon fishing; exception.* Commercial fishing for salmon is prohibited in the period from 6 o'clock antemeridian July 23 to 6 o'clock antemeridian August 3, except in the Ugashik district where such fishing is prohibited from 6 o'clock antemeridian July 30 to 6 o'clock antemeridian August 10.

5. Section 204.19 is hereby amended to read as follows:

§ 204.19 *Weekly closed periods, salmon fishing.* The 36-hour weekly closed period for salmon fishing prescribed by section 5 of the act of June 6, 1924, is hereby extended to include the period from 6 o'clock antemeridian Wednesday to 6 o'clock antemeridian Thusday of each week, making a weekly closed period of 60 hours.

PART 205—ALASKA PENINSULA AREA FISHERIES

1. A new regulation, to be known as § 205.1a is hereby inserted following § 205.1, to read as follows:

§ 205.1a *Definitions, fishing districts, Alaska Peninsula area.* Fishing districts in the Alaska Peninsula area are defined as follows:

(a) *Eastern district.* All waters of the Alaska Peninsula area on the south side of the Peninsula between the longitude of Castle Cape and the longitude of Seal Cape, including the Shumagin and other islands.

(b) *Central district.* All waters of the Alaska Peninsula area on the south side of the Peninsula between the longitude of Seal Cape and the longitude of Kenmore Head, including the Sanak and other islands.

(c) *Western district.* All waters of the Alaska Peninsula area on the south side of the Peninsula west of the longitude of Kenmore Head.

(d) *Port Moller district.* All waters of the Alaska Peninsula area on the north side of the Peninsula between Lagoon Point and Cape Seniavin.

(e) *General district.* All waters of the Alaska Peninsula area not defined above.

2. Section 205.8 is hereby amended to read as follows:

§ 205.8 *Size of beach seines.* The use of any beach seine less than 60 fathoms in length and 120 meshes in depth or more than 75 fathoms in length and 175 meshes in depth is prohibited. For the purpose of determinging depths of seines, measurements will be upon the basis of 3½ inches stretched measure between knots.

3. Section 205.14 *Catch limitation, Entrance Point to Cape Seniavin* (11 F. R. 3105) is hereby amended to substitute "700,000" for "500,000".

4. Section 205.15 is amended to read as follows:

§ 205.15 *Open seasons, salmon fishing, except Port Moller district.* With the exception of the Port Moller district, commercial fishing for salmon is prohibited except during the periods specified as follows:

(a) From 6 o'clock antemeridian May 27 to 6 o'clock postmeridian August 8.

(b) From 6 o'clock antemeridian August 11 to 6 o'clock antemeridian August 13.

(c) If specifically authorized by an announcement issued pursuant to § 201.21c of this chapter, commercial fishing may be permitted during the following additional periods: (1) From 6 o'clock antemeridian August 14 to 6 o'clock postmeridian August 15; and (2) from 6 o'clock antemeridian August 18 to 6 o'clock postmeridian August 19.

(d) By beach seines and gill nets from August 26 to September 30, both dates inclusive.

5. A new regulation, to be known as § 205.15a is hereby inserted following § 205.15, to read as follows:

§ 205.15a *Open season, salmon fishing, Port Moller district.* Commercial fishing for salmon is prohibited in the Port Moller district except in the period from 6 o'clock antemeridian June 20 to 6 o'clock postmeridian July 31: *Provided,* That beach seines and gill nets may be used from August 26 to September 30, both dates inclusive.

PART 208—KODIAK AREA FISHERIES

1. Section 208.7a (11 F. R. 3105) is hereby revoked and deleted as follows:

§ 208.7a *Size of mesh, red-salmon gill nets.* [Revoked]

2. Section 208.11 is hereby amended to read as follows:

§ 208.11 *Open seasons, salmon fishing, Karluk and General districts.* Commercial fishing for salmon is prohibited except during the periods specified as follows:

(a) From 6 o'clock antemeridian June 1 to 6 o'clock antemeridian August 13.

(b) From 6 o'clock postmeridian August 14 to 6 o'clock postmeridian August 16.

(c) If specifically authorized by an announcement issued pursuant to § 201.21c of this chapter, commercial fishing may be permitted during the following additional periods: (1) From 6 o'clock antemeridian August 18 to 6 o'clock antemeridian August 20; and (2) from 6 o'clock postmeridian August 21 to 6 o'clock postmeridian August 23.

(d) From 6 o'clock postmeridian August 14 to 6 o'clock antemeridian September 10 in the Karluk district by (1) beach seines and purse seines on the north coast of Kodiak Island from Cape Karluk to Cape Uyak, and (2) set or anchored gill nets on the north coast of Kodiak Island from Cape Uyak to West Point.

(e) Fall season: From 6 o'clock antemeridian September 10 to 6 o'clock postmeridian September 30.

3. Section 208.11a is hereby amended to read as follows:

§ 208.11a *Open seasons, salmon fishing, Red River district.* Commercial fishing for salmon is prohibited except during the periods specified as follows:

(a) From 6 o'clock antemeridian June 1 to 6 o'clock antemeridian August 13.

(b) From 6 o'clock postmeridian August 14 to 6 o'clock postmeridian August 16.

(c) If specifically authorized by an announcement issued pursuant to § 201.21c of this chapter, commercial fishing may be permitted during the following additional periods: (1) From 6 o'clock antemeridian August 18 to 6 o'clock antemeridian August 20; and (2) from 6 o'clock postmeridian August 21 to 6 o'clock postmeridian August 23.

(d) From 6 o'clock postmeridian August 14 to 6 o'clock antemeridian September 30 by set or anchored gill nets.

(e) Fall season: From 6 o'clock antemeridian September 10 to 6 o'clock postmeridian September 30.

4. Section 208.12 is hereby amended to read as follows:

§ 208.12 *Open seasons, salmon fishing, Alitak district.* Commercial fishing for salmon is prohibited except during the periods specified as follows:

(a) From 6 o'clock antemeridian July 5 to 6 o'clock antemeridian August 13.

(b) From 6 o'clock postmeridian August 14 to 6 o'clock postmeridian August 16.

(c) If specifically authorized by an announcement issued pursuant to § 201.21c of this chapter, commercial fishing may be permitted during the following additional periods: (1) From 6 o'clock antemeridian August 18 to 6 o'clock antemeridian August 20; and (2) from 6 o'clock postmeridian August 21 to 6 o'clock postmeridian August 23.

(d) From 6 o'clock postmeridian August 14 to 6 o'clock postmeridian August 20 by set or anchored gill nets, in Olga and Moser Bays.

5. Section 208.18 is hereby amended to read as follows:

§ 208.18 *Fishing gear, Cape Karluk to Cape Uyak.* Commercial fishing for salmon between Cape Karluk and Cape Uyak except by beach seines and purse seines is prohibited.

PART 209—COOK INLET AREA FISHERIES

1. Section 209.2 *Open seasons, salmon fishing* (9 F. R. 3161) is hereby amended to substitute "May 20" for "May 25" and "August 4" for "August 8" in paragraph (a): "August 8" for "August 12", and "August 22" for "August 24" in paragraph (b); and "August 4" for "August 8" and "May 20" for "May 25" in paragraph (c).

2. Section 209.7 *Total aggregate length of gill nets* (6 F. R. 1243) is hereby amended to substitute "200" for "100".

3. Section 209.16 (a) (5), (i), (l) (2) and (o) are hereby amended to read as follows:

§ 209.16 *Areas open to salmon traps.* The use of any trap for the capture of salmon is prohibited, except as follows:

(a) * * *

(5) Within 1,000 feet of a point at 60 degrees 46 minutes 2 seconds north latitude, 151 degrees 44 minutes 32 seconds west longitude;

* * * * *

(i) Along the mainland coast on the east side of Cook Inlet from a point south of Kenai River at 60 degrees 28 minutes 58 seconds north latitude, 151 degrees 17 minutes 11 seconds west longitude, southerly to a point at 60 degrees 26 minutes 3 seconds north latitude, 151 degrees 17 minutes 30 seconds west longitude.

* * * * *

(l) * * *

(2) From a point at 60 degrees 11 minutes 13 seconds north latitude, southerly to a point at 60 degrees 11 minutes 5 seconds north latitude;

* * * * *

(o) Along the mainland coast on the east side of Cook Inlet south of Cape Starichkof within 1,000 feet of a point at 59 degrees 51 minutes 4 seconds north latitude.

4. New regulations, to be known as §§ 209.34, 209.35, and 209.36 are hereby inserted following § 209.33 and under the subpart heading "Crab Fishery", to read as follows:

§ 209.34 *Protection of female and small male crabs; Dungeness crab (Cancer magister).* No female of this species shall be taken at any time, and no male of this species measuring less than 7 inches in greatest width shall be taken for commercial purposes.

§ 209.35 *Closed season on Dungeness crabs.* Commercial fishing for the Dungeness crab is prohibited from June 1 to August 14, both dates inclusive.

§ 209.36 *Taking of soft-shell crabs prohibited.* It is prohibited to take for commercial purposes any soft-shell crab. Possession of any such crab will be regarded as prima facie evidence of unlawful taking.

PART 210—RESURRECTION BAY AREA FISHERIES

1. Section 210.13 *Closed seasons, herring fishing* (10 F. R. 3292) is hereby amended to substitute "June 14" for "May 31."

2. A new regulation to be known as § 210.16 is hereby inserted following § 210.15 to read as follows:

§ 210.16 *Herring catch limitations, June 15 to August 20.* In the period from June 15 to August 20, both dates inclusive, there shall not be taken for commercial purposes, except for bait and except by gill nets, in the Resurrection Bay area as defined in § 210.1 and in the Prince William Sound area as defined in § 211.1 of this chapter, a combined total of more than 150,000 barrels on the basis of 250 pounds per barrel. It is the intent of this section to establish a single quota area embracing the waters of the Prince William Sound and Resurrection Bay areas as defined in §§ 211.1 and 210.1 of this chapter.

PART 211—PRINCE WILLIAM SOUND AREA FISHERIES

1. Section 211.3 *Operation of purse seines and leads* (10 F. R. 3292) is hereby amended to substitute "9½ fathoms" for "7¼ fathoms" and "75 fathoms" for "25 fathoms."

2. Section 211.9 is hereby amended to read as follows:

§ 211.9 *Open seasons, salmon fishing.* Commercial fishing for salmon, other than trolling, is prohibited except during the periods specified as follows:

(a) From 6 o'clock antemeridian July 5 in each odd-numbered year, and 6 o'clock antemeridian July 10 in each even-numbered year, to 6 o'clock postmeridian August 5.

(b) From 6 o'clock postmeridian August 5 to 6 o'clock postmeridian August 7.

(c) If specifically authorized by an announcement issued pursuant to § 201.21c of this chapter, commercial fishing may be permitted during the following additional periods: (1) From 6 o'clock postmeridian August 7 to 6 o'clock antemeridian August 9, and (2) from 6 o'clock antemeridian August 11 to 6 o'clock postmeridian August 12.

(d) From 6 o'clock postmeridian August 5 to 6 o'clock postmeridian August 22 by gill nets in the waters along the western coast from the outer point on the north shore of Granite Bay (known as Granite Bay Point) to the light on the south shore of the entrance to Port Nellie Juan.

3. Section 211.10 (11 F. R. 3105) is hereby revoked and deleted as follows:

§ 211.10 *Closing dates for salmon fishing.* [Revoked.]

4. Section 211.14 is hereby amended to read as follows:

§ 211.14 *Herring catch limitations, June 15 to August 20.* In the period from June 15 to August 20, both dates inclusive, there shall not be taken for commercial purposes, except for bait and except by gill nets, in the Prince William Sound area as defined in § 211.1 and in the Resurrection Bay area as defined in § 210.1 of this chapter, a combined total of more than 150,000 barrels, on the basis of 250 pounds per barrel. It is the intent of this section to establish a single quota area embracing the waters of the Prince William Sound and Resurrection Bay areas as defined in §§ 211.1 and 210.1 of this chapter.

5. Section 211.26 *Maximum take of razor clams, January 1 to June 30* (9 F. R. 3161) is hereby amended to substitute "1,400,000 pounds" for "1,600,000 pounds", and "40,000 cases" for "46,000 cases".

6. Section 211.28 (9 F. R. 3161) is hereby revoked and deleted as follows:

§ 211.28 *Maximum take of razor clams from certain central bars.* [Revoked.]

PART 212—COPPER RIVER AREA FISHERIES

1. Section 212.16 *Maximum take of razor clams, January 1 to June 30* (9 F. R. 3161) is hereby amended to substitute "1,400,000 pounds" for "1,600,000 pounds" and "40,000 cases" for "46,000 cases".

2. Section 212.18 (9 F. R. 3161) is hereby revoked and deleted as follows:

§ 212.18 *Maximum take of razor clams from certain central bars.* [Revoked.]

PART 213—BERING RIVER, ICY BAY AREA FISHERIES

1. Section 213.11 is hereby amended to read as follows:

§ 213.11 *Waters closed to salmon fishing.* All commercial fishing for salmon is prohibited east of a line extending from a point on the shore at 60 degrees 11 minutes 10 seconds north latitude, 144 degrees 18 minutes 3 seconds west longitude, southeasterly to a point on the shore at 60 degrees 9 minutes 33 seconds north latitude, 144 degrees 15 minutes 30 seconds west longitude.

PART 219—SOUTHEASTERN ALASKA AREA SALMON FISHERIES; GENERAL REGULATIONS

Section 219.3 *Traps prohibited October 20 to November 30* (10 F. R. 3292, 11 F. R. 3105) is hereby amended to substitute "November 15" for "November 30" in both the text and the headnote of this section.

PART 220—SOUTHEASTERN ALASKA AREA FISHERIES OTHER THAN SALMON

1. Section 220.3 *Herring catch limitation; exceptions* (11 F. R. 10397) is hereby amended to substitute "November 1" for "October 16", "May 1" for "June 9", and to add a new last sentence to read as follows: "All commercial fishing, except for bait and except by gill nets is prohibited from May 1 to June 9 and from October 16 to October 31, all dates inclusive."

2. Section 220.15a is amended to read as follows:

§ 220.15a *Closed season, butter clam fishery.* The taking of butter clams for commercial purposes is prohibited in the period from April 15 to September 15, both dates inclusive, in each calendar year.

3. Section 220.16 is hereby amended to read as follows:

§ 220.16 *Closed season, shrimp fishing.* Commercial fishing for shrimp is prohibited in the period from February 1 to September 30, both dates inclusive, in the waters of the Stikine district, the Eastern district east of the longitude of Cape Fanshaw, and in the Sumner Strait district north of the latitude and east of the longitude of Point Baker. All waters of Duncan Canal are closed to shrimp fishing throughout the year.

PART 221—SOUTHEASTERN ALASKA AREA, YAKUTAT DISTRICT, SALMON FISHERIES

1. Section 221.7 is hereby amended to read as follows:

§ 221.7 *Length of stake and set nets, Situk-Ahrnklin Inlet.* In Situk-Ahrnklin Inlet no stake gill net or set or anchored gill net shall exceed 30 fathoms in length measured on the cork line, and in these waters the total aggregate length of all stake or set or anchored nets used by any individual shall not exceed 30 fathoms measured on the cork line.

2. Section 221.8 is hereby amended to read as follows:

§ 221.8 *Length of stake and set nets, Dangerous Inlet.* In Dangerous Inlet no

stake gill net or set or anchored gill net shall exceed 30 fathoms in length measured on the cork line, and in these waters the total aggregate length of all stake or set or anchored gill nets used by any individual shall not exceed 60 fathoms measured on the cork line.

PART 222—SOUTHEASTERN ALASKA AREA, ICY STRAIT DISTRICT, SALMON FISHERIES

1. Section 222.2 is hereby amended to read as follows:

§ 222.2 *Definition, Icy Strait district.* All territorial waters within a line extending from a point at 58 degrees 7 minutes 20 seconds north latitude, 136 degrees 51 minutes west longitude to Column Point, thence southerly following the watershed along the east side of Lisianski Inlet to 58 degrees north latitude, thence to a point at 58 degrees north latitude, 134 degrees 58 minutes west longitude, thence north to the light at Point Augusta, thence to the southeastern extremity of Point Couverden, thence to Mount Harris, thence following the international boundary to Mount Fairweather, thence to Cape Fairweather at 58 degrees 49 minutes north latitude, 138 degrees west longitude, thence to the point of beginning at 58 degrees 7 minutes 20 seconds north latitude, 136 degrees 51 minutes west longitude.

2. Section 222.8 is hereby amended to read as follows:

§ 222.8 *Open seasons, west of Point Carolus.* Commercial fishing for salmon, other than trolling, west of the longitude of Point Carolus is prohibited except during the periods specified as follows:

(a) From 6 o'clock antemeridian July 14 to 6 o'clock postmeridian August 9.

(b) From 6 o'clock antemeridian August 11 to 6 o'clock antemeridian August 13.

(c) If specifically authorized by an announcement issued pursuant to § 201.21c of this chapter, commercial fishing may be permitted during the following additional periods: (1) From 6 o'clock postmeridian August 14 to 6 o'clock postmeridian August 16; (2) from 6 o'clock antemeridian August 18 to 6 o'clock antemeridian August 20; (3) from 6 o'clock postmeridian August 21 to 6 o'clock postmeridian August 23; and (4) from 6 o'clock antemeridian August 25 to 6 o'clock antemeridian August 27.

(d) Fall season: From 6 o'clock antemeridian October 15 to 6 o'clock postmeridian November 15.

3. Section 222.9 is hereby amended to read as follows:

§ 222.9 *Open seasons, east of Point Carolus.* Commercial fishing for salmon, other than trolling, east of the longitude of Point Carolus is prohibited except during the periods specified as follows:

(a) From 6 o'clock antemeridian July 21 to 6 o'clock antemeridian August 13.

(b) From 6 o'clock postmeridian August 14 to 6 o'clock postmeridian August 16.

(c) If specifically authorized by an announcement issued pursuant to § 201.21c of this chapter, commercial fishing may be permitted during the following additional periods: (1) From 6 o'clock antemeridian August 18 to 6 o'clock antemeridian August 20; (2) from 6 o'clock postmeridian August 21 to 6 o'clock postmeridian August 23; (3) from 6 o'clock antemeridian August 25 to 6 o'clock antemeridian August 27; and (4) from 6 o'clock postmeridian August 28 to 6 o'clock postmeridian August 30.

(d) Fall season: From 6 o'clock antemeridian October 15 to 6 o'clock postmeridian November 15.

4. Section 222.10 (11 F. R. 3105, 4806) is hereby revoked and deleted as follows:

§ 222.10 *Weekly closed period; salmon fishing.* [Revoked.]

5. A new regulation to be known as § 222.15a is hereby inserted following § 222.15 to read as follows:

§ 222.15a *Closed season for trolling, Cape Spencer to Lituya Bay.* Commercial fishing for salmon by trolling is prohibited prior to July 15 in each calendar year in the coastal waters of Alaska extending from Cape Spencer to and including Lituya Bay.

PART 223—SOUTHEASTERN ALASKA AREA, WESTERN DISTRICT, SALMON FISHERIES

1. Section 223.2 is hereby amended to read as follows:

§ 232.2 *Definition, Western district.* All territorial waters within a line extending from a point off Cape Ommaney at 56 degrees 6 minutes north latitude, 134 degrees 51 minutes west longitude, to a point off Cape Edgecumbe at 57 degrees north latitude, 136 degrees 4 minutes west longitude, thence to a point at 58 degrees 7 minutes 20 seconds north latitude, 136 degrees 51 minutes west longitude, thence east to Column Point, thence southerly following the watershed along the east side of Lisianski Inlet to 58 degrees north latitude, thence east to 134 degrees 58 minutes west longitude, thence north to the light at Point Augusta, thence to the southeastern extremity of Point Couverden, thence to Mount Harris, thence following the international boundary to Mount Ogilvie, thence to the northern extremity of Shelter Island, thence to the northern extremity of Mansfield Peninsula, thence following the watersheds on Mansfield Peninsula and Admiralty Island to the southern extremity of Point Gardner, thence west to the watershed on Baranof Island, thence following the watershed to the southern extremity of Cape Ommaney, thence to the point of beginning at 56 degrees 6 minutes north latitude, 134 degrees 51 minutes west longitude.

2. Section 223.8a is hereby amended to read as follows:

§ 223.8a *Open seasons, northern section, south of Sullivan Island.* Commercial fishing for salmon, other than trolling, is prohibited except during the periods specified as follows:

(a) From 6 o'clock antemeridian July 21 to 6 o'clock postmeridian August 16.

(b) From 6 o'clock antemeridian August 18 to 6 o'clock antemeridian August 20.

(c) If specifically authorized by an announcement issued pursuant to § 201.21c of this chapter, commercial fishing may be permitted during the following additional periods: (1) From 6 o'clock postmeridian August 21 to 6 o'clock postmeridian August 23; (2) from 6 o'clock antemeridian August 25 to 6 o'clock antemeridian August 27; (3) from 6 o'clock postmeridian August 28 to 6 o'clock postmeridian August 30; and (4) from 6 o'clock antemeridian September 1 to 6 o'clock antemeridian September 3.

(d) Fall fishing: From 6 o'clock antemeridian October 15 to 6 o'clock postmeridian November 15.

3. Section 223.9 is hereby amended to read as follows:

§ 223.9 *Open seasons, central, southern, and western sections.* Commercial fishing for salmon, other than trolling, in the central, southern, and western sections, is prohibited except during the periods specified as follows:

(a) From 6 o'clock antemeridian July 28 to 6 o'clock antemeridian August 20.

(b) From 6 o'clock postmeridian August 21 to 6 o'clock postmeridian August 23.

(c) If specifically authorized by an announcement issued pursuant to § 201.21c of this chapter, commercial fishing may be permitted during the following additional periods: (1) From 6 o'clock antemeridian August 25 to 6 o'clock antemeridian August 27; (2) from 6 o'clock postmeridian August 28 to 6 o'clock postmeridian August 30; (3) from 6 o'clock antemeridian September 1 to 6 o'clock antemeridian September 3; and (4) from 6 o'clock postmeridian September 4 to 6 o'clock postmeridian September 6.

(d) Fall season: From 6 o'clock antemeridian October 15 to 6 o'clock postmeridian November 15.

4. Section 223.10 (11 F. R. 3106, 4806) is hereby revoked and deleted as follows:

§ 223.10 *Weekly closed period, salmon fishing.* [Revoked.]

PART 224—SOUTHEASTERN ALASKA AREA, EASTERN DISTRICT, SALMON FISHERIES

1. Section 224.8 is hereby amended to read as follows:

§ 224.8 *Open seasons, salmon fishing.* Commercial fishing for salmon, other than trolling, is prohibited except during the periods specified as follows:

(a) From 6 o'clock antemeridian July 28 to 6 o'clock antemeridian August 20.

(b) From 6 o'clock postmeridian August 21 to 6 o'clock postmeridian August 23.

(c) If specifically authorized by an announcement issued pursuant to § 201.21c of this chapter commercial fishing may be permitted during the following additional periods: (1) From 6 o'clock antemeridian August 25 to 6 o'clock antemeridian August 27; (2) from 6 o'clock postmeridian August 28 to 6 o'clock postmeridian August 30; (3) from 6 o'clock antemeridan September 1 to 6 o'clock antemeridian September 3; and (4) from 6 o'clock postmeridian September 4 to 6 o'clock postmeridian September 6.

(d) Fall season: From 6 o'clock antemeridian October 15 to 6 o'clock postmeridian November 15.

2. Section 224.8a (11 F. R. 3106, 4806) is hereby revoked and deleted as follows:

§ 224.8a *Weekly closed period, salmon fishing.* [Revoked.]

PART 226—SOUTHEASTERN ALASKA AREA, SUMNER STRAIT DISTRICT, SALMON FISHERIES

1. Section 226.2 is hereby amended to read as follows:

§ 226.2 *Definition, Sumner Strait district.* All territorial waters within a line extending from a point near the Hazy Islands at 55 degrees 54 minutes north latitude, 134 degrees 34 minutes west longitude, to the southern end of Cape Decision, thence following the watershed on Kuiu Island to a point on the east side of Kuiu Island at 56 degrees 40 minutes north latitude, 133 degrees 44 minutes 15 seconds west longitude, thence east across Keku Strait, thence across Kupreanof Island, passing north of Duncan Canal, to a point on the east coast of Kupreanof Island at 56 degrees 54 minutes north latitude, thence across Frederick Sound to Horn Cliffs on the mainland, thence to Frederick Point on Mitkof Island, thence to Point Howe, thence to South Craig Point on Zarembo Island, thence to Drag Island in Chichagof Pass, thence to Chichagof Peak on Wrangell Island, thence to Babbler Point on the mainland, thence to Mount Cote, thence following the international boundary to Mount Lewis Pass, thence southerly and westerly along the watershed to a point at 55 degrees 45 minutes 30 seconds north latitude, 132 degrees west longitude, thence in a northwesterly direction through Union Point to the southern extremity of Ernest Point, thence northerly to a point on Etolin Island at 55 degrees 54 minutes 45 seconds north latitude, 132 degrees 21 minutes west longitude, thence in a northerly and westerly direction along the watershed of Etolin Island to a point northwest of the head of Mosman Inlet at 56 degrees 9 minutes 45 seconds north latitude, 132 degrees 37 minutes 15 seconds west longitude, thence southerly to a point at 56 degrees 6 minutes north latitude, 132 degrees 37 minutes 15 seconds west longitude, thence in a northwesterly direction along the watershed to the northern extremity of Point Harrington, thence in a westerly direction to the northern extremity of East Island, thence in a southwesterly direction to the southern extremity of West Island, thence in a westerly direction to a point on the east shore of Prince of Wales Island at 56 degrees 9 minutes 15 seconds north latitude, 133 degrees 2 minutes 45 seconds west longitude, thence to a point on the west coast of Prince of Wales Island at 56 degrees 7 minutes 36 seconds north latitude, thence due west to the east coast of Kosciusko Island, thence southerly along the watershed of Kosciusko Island to the southern extremity of the island at 133 degrees 43 minutes west longitude, thence due south to 55 degrees 40 minutes north latitude, thence due west to 55 degrees 40 minutes north latitude, 134 degrees 17 minutes 10 seconds west longitude, thence to the point of beginning at 55 degrees 54 minutes north latitude, 134 degrees 34 minutes west longitude.

2. Section 226.8 is hereby amended to read as follows:

§ 226.8 *Open seasons, Ernest Sound, Zimovia Strait, and Anan.* Commercial fishing for salmon, other than trolling, in Ernest Sound, Zimovia Strait and in the open area in the vicinity of Anan Creek is prohibited except during the periods specified as follows:

(a) From 6 o'clock antemeridian August 11 to 6 o'clock antemeridian August 20.

(b) From 6 o'clock postmeridian August 21 to 6 o'clock postmeridian August 23.

(c) If specifically authorized by an announcement issued pursuant to § 201.21c of this chapter, commercial fishing may be permitted during the following additional periods: (1) From 6 o'clock antemeridian August 25 to 6 o'clock antemeridian August 27; (2) from 6 o'clock postmeridian August 28 to 6 o'clock postmeridian August 30; (3) from 6 o'clock antemeridian September 1 to 6 o'clock antemeridian September 3; and (4) from 6 o'clock postmeridian September 4 to 6 o'clock postmeridian September 6.

(d) Fall season: From 6 o'clock antemeridian October 15 to 6 o'clock postmeridian November 15.

3. Section 226.9 is hereby amended to read as follows:

§ 226.9 *Open seasons, exceptions.* With the exception of Ernest Sound, Zimovia Strait, and the vicinity of Anan Creek, commercial fishing for salmon, other than trolling, is prohibited except during the periods specified as follows:

(a) From 6 o'clock antemeridian August 11 to 6 o'clock postmeridian August 23.

(b) From 6 o'clock antemeridian August 25 to 6 o'clock antemeridian August 27.

(c) If specifically authorized by an announcement issued pursuant to § 201.21c of this chapter, commercial fishing may be permitted during the following additional periods: (1) From 6 o'clock postmeridian August 28 to 6 o'clock postmeridian August 30; (2) from 6 o'clock antemeridian September 1 to 6 o'clock antemeridian September 3; (3) from 6 o'clock postmeridian September 4 to 6 o'clock postmeridian September 6; and (4) from 6 o'clock antemeridian September 8 to 6 o'clock antemeridian September 10.

(d) Fall season: From 6 o'clock antemeridian October 15 to 6 o'clock postmeridian November 15.

4. Section 226.10 (11 F. R. 3107, 4806) is hereby revoked and deleted as follows:

§ 226.10 *Weekly closed period, salmon fishing.* [Revoked.]

5. Section 226.16 *Areas open to salmon traps* (6 F. R. 1256) is hereby amended by the deletion of paragraphs (a), (b), and (c) which are transferred to Part 228 of this chapter, and renumbered § 228.12 (t), (u), and (v), respectively.

6. Paragraph (p) of section 226.17. *Waters closed to salmon fishing* (6 F. R. 1256) is hereby amended to substitute a period for the comma following "longitude," and delete the remainder of the sentence. Paragraphs (r) and (s) of this section are deleted and transferred to Part 228 of this chapter and renumbered § 228.13 (m) and (n), respectively; and a new paragraph to be known as (t) is inserted following paragraph (p) to read as follows:

(t) Hole in the Wall, northwest coast of Prince of Wales Island: All waters within the outermost points of the entrance to the bay.

PART 227—SOUTHEASTERN ALASKA AREA, CLARENCE STRAIT DISTRICT, SALMON FISHERIES

1. Section 227.2 is hereby amended to read as follows:

§ 227.2 *Definition, Clarence Strait district.* All territorial waters within a line extending from a point on the southwest coast of Prince of Wales Island at 54 degrees 44 minutes 21 seconds north latitude, 132 degrees 18 minutes 36 seconds west longitude, near Point Marsh, thence south to the international boundary at a point 132 degrees 20 minutes west longitude, thence east along the international boundary to a point at 131 degrees 40 minutes west longitude, thence north to a point west of Point Davison at 55 degrees north latitude, 131 degrees 40 minutes west longitude, thence to the southern extremity to Point Davison, thence northerly along the watershed of Annette Island to the northern extremity of Walden Point, thence to the southern extremity of Gravina Point, thence northwesterly to the northern extremity of Vallenar Point, thence to Point Higgins, thence along the watershed of Revillagigedo Island to Claude Point, thence to Point Lees, thence to Mount Lewis Cass, thence southerly and westerly along the watershed to a point at 55 degrees 45 minutes 30 seconds north latitude, 132 degrees west longitude, thence in a northwesterly direction through Union Point to the southern extremity of Ernest Point, thence northerly to a point on Etolin Island at 55 degrees 54 minutes 45 seconds north latitude, 132 degrees 21 minutes west longitude, thence in a northerly and westerly direction along the watershed of Etolin Island to a point northwest of the head of Mosman Inlet at 56 degrees 9 minutes 45 seconds north latitude, 132 degrees 37 minutes 15 seconds west longitude, thence southerly to a point at 56 degrees 6 minutes north latitude, 132 degrees 37 minutes 15 seconds west longitude, thence in a northwesterly direction along the watershed to the northern extremity of Point Harrington, thence in a westerly direction to the northern extremity of East Island, thence in a southwesterly direction to the southern extremity of West Island, thence in a westerly direction to a point on the east shore of Prince of Wales Island, at 56 degrees 9 minutes 15 seconds north latitude, 133 degrees 2 minutes 45 seconds west longitude, thence southerly along the watershed of Prince of Wales Island to the point of beginning at 54 degrees 44 minutes 21 seconds north latitude, 132 degrees 18 minutes 36 seconds west longitude.

2. Paragraph (c) of section 227.2a *Definitions, fishing sections, Clarence Strait District* (11 F. R. 3107) is hereby amended to substitute a comma for the period following the word "Strait" and to add "including the North Arm of Behm Canal".

3. Section 227.8 is hereby amended to read as follows:

§ 227.8 *Open seasons, northern section.* Commercial fishing for salmon, other than trolling, in the northern section is prohibited except during the periods specified as follows:

(a) From 6 o'clock antemeridian August 11 to 6 o'clock postmeridian August 30.

(b) From 6 o'clock antemeridian September 1 to 6 o'clock antemeridian September 3.

(c) If specifically authorized by an announcement issued pursuant to § 201.21c of this chapter, commercial fishing may be permitted during the following additional periods: (1) From 6 o'clock postmeridian September 4 to 6 o'clock postmeridian September 6; (2) from 6 o'clock antemeridian September 8 to 6 o'clock antemeridian September 10; (3) from 6 o'clock postmeridian September 11 to 6 o'clock postmeridian September 13; and (4) from 6 o'clock antemeridian September 15 to 6 o'clock antemeridian September 17.

(d) Fall season: From 6 o'clock antemeridian October 15 to 6 o'clock postmeridian November 15.

4. Section 227.9 is hereby amended to read as follows:

§ 227.9 *Open seasons, central, southeast and southwest sections.* Commercial fishing for salmon, other than trolling, in the central, southeastern, and southwestern sections is prohibited except during the periods specified as follows:

(a) From 6 o'clock antemeridian August 4 to 6 o'clock antemeridian August 27.

(b) From 6 o'clock postmeridian August 28 to 6 o'clock postmeridian August 30.

(c) If specifically authorized by an announcement issued pursuant to § 201.21c of this chapter, commercial fishing may be permitted during the following additional periods: (1) From 6 o'clock antemeridian September 1 to 6 o'clock antemeridian September 3; (2) from 6 o'clock postmeridian September 4 to 6 o'clock postmeridian September 6; (3) from 6 o'clock antemeridian September 8 to 6 o'clock antemeridian September 10; and (4) from 6 o'clock postmeridian September 11 to 6 o'clock postmeridian September 13.

(d) Fall season: From 6 o'clock antemeridian October 15 to 6 o'clock postmeridian November 15.

5. Section 227.9a (11 F. R. 3107) is hereby revoked and deleted as follows:

§ 227.9a *Weekly closed period, salmon fishing.* [Revoked.]

6. A new regulation to be known as § 227.10 is hereby inserted following § 227.9, to read as follows:

§ 227.10 *Closed season for trolling, Behm Canal.* Commercial fishing for salmon by trolling is prohibited in Behm Canal and its tributaries within a line from Point Sykes to Point Alava, across the eastern entrance of the canal, and a line from Escape Point to Point Francis, across the western entrance, from 6 o'clock postmeridian April 30 to 6 o'clock postmeridian July 15. A part of these waters is in the Southern district.

6. Section 227.15 *Areas open to salmon traps* (6 F. R. 1257, 7 F. R. 2483, 8 F. R. 7404, 9233, 9 F. R. 5176) is hereby amended by insertion of paragraphs (bb), (ii), (jj), (kk), (ll), and (mm) which were formerly § 229.15 (a), (b), (f), (g), (h), and (i) of this chapter, respectively.

7. Section 227.16 *Waters closed to salmon fishing* (6 F. R. 1257, 1261) is hereby amended by insertion of paragraphs (n), (o), (p), (q) and (r) which were formerly § 229.16 (l), (m), (n), (o) and (p) of this chapter, respectively.

PART 228—SOUTHEASTERN ALASKA AREA, SOUTH PRINCE OF WALES ISLAND DISTRICT, SALMON FISHERIES

1. Section 228.2 is hereby amended to read as follows:

§ 228.2 *Definition, South Prince of Wales Island district.* All territorial waters within a line extending from a point west of the Maurelle Islands at 55 degrees 40 minutes north latitude, 134 degrees 17 minutes 10 seconds west longitude, thence to a point west of Cape Addington at 55 degrees 25 minutes 30 seconds north latitude, 134 degrees west longitude, thence to a point southwest of Forrester Island at 54 degrees 40 minutes north latitude, 133 degrees 35 minutes west longitude, thence to the southern extremity of Cape Muzon, thence along the international boundary to a point at 132 degrees 20 minutes west longitude, thence north to a point on the southwest coast of Prince of Wales Island at 54 degrees 44 minutes 21 seconds north latitude, 132 degrees 18 minutes 36 seconds west longitude, near Point Marsh, thence northerly along the watershed of Prince of Wales Island to a point at 56 degrees 7 minutes 36 seconds north latitude, thence due west to the east coast of Kosciusko Island, thence southerly along the watershed of Kosciusko Island to the southern extremity of the island at 133 degrees 43 minutes west longitude, thence due south to 55 degrees 40 minutes north latitude, thence to the point of beginning 55 degrees 40 minutes north latitude, 134 degrees 17 minutes 10 seconds west longitude.

2. Section 228.8 is hereby amended to read as follows:

§ 228.8 *Open seasons, salmon fishing.* Commercial fishing for salmon, other than trolling, is prohibited except during the periods specified as follows:

(a) From 6 o'clock antemeridian August 18 to 6 o'clock postmeridian August 30.

(b) From 6 o'clock antemeridian September 1 to 6 o'clock antemeridian September 3.

(c) If specifically authorized by an announcement issued pursuant to § 201.21c of this chapter commercial fishing may be permitted during the following additional periods: (1) From 6 o'clock postmeridian September 4 to 6 o'clock postmeridian September 6; (2) from 6 o'clock antemeridian September 8 to 6 o'clock antemeridian September 10; (3) from 6 o'clock postmeridian September 11 to 6 o'clock postmeridian September 13; and (4) from 6 o'clock antemeridian September 15 to 6 o'clock antemeridian September 17.

(d) Fall season: From 6 o'clock antemeridian October 15 to 6 o'clock postmeridian November 15.

3. Section 228.9 (11 F. R. 3107, 4806) is hereby revoked and deleted as follows:

§ 228.9 *Weekly closed period, salmon fishing.* [Revoked.]

4. Section 228.12 *Areas open to salmon traps* (6 F. R. 1259) is hereby amended by insertion of paragraphs (t), (u), and (v) which were formerly § 226.16 (a), (b), and (c) of this chapter, respectively.

5. Three regulations, transferred from Part 226 of this chapter, are hereby inserted in § 228.13 (6 F. R. 1259) following § 228.13 (k) to read as follows:

§ 228.13 *Waters closed to salmon fishing.* All commercial fishing for salmon is prohibited as follows: * * *

(l) Devilfish Bay, east coast of Kosciusko Island: All waters within the bay.

(m) Sarkar Cove, west coast of Prince of Wales Island, tributary to El Capitan Passage: All waters inside of a line across the entrance.

(n) Tuxekan Passage and contiguous waters east of 133 degrees 17 minutes west longitude.

PART 229—SOUTHEASTERN ALASKA AREA, SOUTHERN DISTRICT, SALMON FISHERIES

1. Section 229.2 is hereby amended to read as follows:

§ 229.2 *Definition, Southern district.* All territorial waters within a line beginning at a point on the international boundary at 131 degrees 40 minutes west longitude and following that boundary to Mount Lewis Cass, thence southerly to Point Lees, thence to Claude Point, thence southerly along the watershed of Revillagigedo Island to Point Higgins, thence to Vallenar Point on Gravina Island, thence southerly and easterly along the watershed of Gravina Island to Gravina Point, thence to Walden Point on Annette Island, thence southerly along the watershed of Annette Island to Davison Point, thence west to a point at 55 degrees north latitude, 131 degrees 40 minutes west longitude, thence due south to the point of beginning on the international boundary at 131 degrees 40 minutes west longitude.

2. Section 229.8 is hereby amended to read as follows:

§ 229.8 *Open seasons, salmon fishing.* Commercial fishing for salmon, other than trolling, is prohibited except during the periods specified as follows:

(a) From 6 o'clock antemeridian July 28 to 6 o'clock antemeridian August 20: *Provided,* That in the waters along the

mainland shore, including adjacent islands, south of 54 degrees 56 minutes north latitude commercial fishing is permitted from 6 o'clock antemeridian July 21 to 6 o'clock antemeridian August 20.

(b) From 6 o'clock postmeridian August 21 to 6 o'clock postmeridian August 23.

(c) If specifically authorized by an announcement issued pursuant to § 201.-21c of this chapter, commercial fishing may be permitted during the following additional periods. (1) From 6 o'clock antemeridian August 25 to 6 o'clock antemeridian August 27; (2) from 6 o'clock postmeridian August 28 to 6 o'clock postmeridian August 30; (3) from 6 o'clock antemeridian September 1 to 6 o'clock antemeridian September 3; and (4) from 6 o'clock postmeridian September 4 to 6 o'clock postmeridian September 6.

(d) Fall season: From 6 o'clock antemeridian October 15 to 6 o'clock postmeridian November 15.

3. Section 229.9 (11 F. R. 3107, 4806) is hereby revoked and deleted as follows:

§ 229.9 *Weekly closed period, salmon fishing.* [Revoked.]

4. Section 229.12 *Closed season for trolling, Behm Canal* (11 F. R. 3107) is hereby amended to add a new last sentence as follows: "A part of these waters is in the Clarence Strait district."

5. Section 229.15 *Areas open to salmon traps* (6 F. R. 1261, 8 F. R. 7404) is hereby amended by deletion of paragraphs (a), (b), (f), (g), (h), and (i) which are transferred to Part 227 of this chapter and renumbered § 227.15 (hh), (ii), (jj), (kk), (ll), and (mm), respectively.

6. Section 229.16 *Waters closed to salmon fishing* (6 F. R. 1261) is hereby amended by deletion of paragraphs (l), (m), (n), (o) and (p) which are transferred to Part 227 of this chapter and renumbered § 227.16 (n), (o), (p), (q) and (r), respectively.

(Sec. 1, 44 Stat. 752; 42 U. S. C. 221)

J. A. KRUG,
Secretary of the Interior.

JANUARY 20, 1947.

[F. R. Doc. 47-762; Filed, Jan. 24, 1947; 8:58 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 3]

STANDARDS OF GOOD ENGINEERING PRACTICE CONCERNING STANDARD BROADCAST STATIONS

FURTHER NOTICE OF PROPOSED RULE MAKING

JANUARY 17, 1947.

At a meeting of the Federal Communications Commission at its offices in Washington, D. C., on January 16, 1947:

1. Notice is hereby given of further proposed rule making in the above-entitled matter.

2. Initial notice was given by Notice of the Commission, dated December 20, 1946 (Mimeo. No. 1786 (12 F. R. 183)).

3. The Standards of Good Engineering Practice Concerning Standard Broadcast Stations is proposed to be further revised to the following extent:

(a) It is proposed to amend the Standards of Good Engineering Practice concerning Standard Broadcast Stations by adding Figure 1–A (10% Skywave Signal Range Chart) and Figure 6–A (Angles of Departure vs. Transmission Range) to the standards, which figures are attached hereto. Figures 1–A and 6–A will not affect clear channel frequencies.

(b) The following text revisions of the standards are proposed:

1. Page 8, next to last paragraph, labeled (b): insert ", or Figure 1–A," after the words "Figure 1".

2. Page 9, second paragraph; change to read: "In computing the 50 percent skywave field intensity values of a Class I station of a given power and also in computing the 10% sky-wave field intensity of an alleged interfering Class I or Class II station on a clear channel, use shall be made of the appropriate graph set forth in Figure 1 entitled "Average Skywave Field Intensity" (corresponding to the second hour after sunset at the recording station). These graphs are drawn for a radiated field of 100 millivolts per meter at 1 mile on the horizontal plane from a 0.311 λ antenna. In computing the 10 percent skywave field intensity of an alleged interfering station, other than Class I or Class II, at a specified distance, use shall be made of the appropriate curve in Figure 1–A entitled "10% Skywave Signal Range." This graph is drawn for a radiated field of 100 millivolts per meter at 1 mile at the vertical angle pertinent to transmission by one reflection. This curve supersedes the 10% skywave of Figure 1, only for regional and local channels at the present time.[3] Adoption of revised skywave curves for use on clear channels will await the outcome of the Clear Channel Hearing (Docket No. 6741) and the negotiations for a new North American Regional Broadcasting Agreement.

3. Page 18, line 17: Following the words "Figure 1" insert "or Figure 1–A".

4. Page 18, Annex II, second paragraph, insert at beginning the following phrase:"For signals from stations operating on clear channels,".

5. Page 19, before last paragraph 7, Annex II, insert the following paragraphs: "For signals from stations on regional and local channels, in computing the 10% skywave (interference) field intensity values of Class III and Class IV stations,[3a] Figure 1–A is to be used in place of Figure 1. Since Figure 1–A is predicated upon a radiated field of 100 mv/m at one mile in the pertinent direction, no comparison with the vertical pattern of a 0.311 wavelength antenna is to be made. Instead the appropriate radiated field in the vertical plane corresponding to the distance to the receiving station divided by 100 is multiplied into the value of 10% skywave field intensity determined from Figure 1–A. There are two new factors to be considered, however, namely the variation of received field with latitude of the path and the variation of pertinent vertical angle due to variations of ionosphere height and ionosphere scattering.

Figure 1–A, "10% Skywave Signal Range Chart", shows the 10% skywave signal as a function of the latitude of the transmission path and the distance from a transmitting antenna with a radiated field of 100 mv/m at the pertinent angle for the distance. The latitude of the transmission path is defined as the geographic latitude of the midpoint between the transmitter and the receiver. Latitude 35° should be used in case the midpoint of the path lies below 35° North and latitude 50° should be used in case the midpoint of the path lies above 50° North.

Figure 6–A, entitled "Angles of Departure vs. Transmission Range", is to be used in determining the angles in the vertical pattern of the antenna of an interfering station to be considered as pertinent to transmission by one reflection. Corresponding to any given distance, the curves 4 and 5 indicate the upper and lower angles within which the radiated field is to be considered. The maximum value of field intensity occurring between these angles will be used to determine the multiplying factor for the 10% skywave field intensity determined from Figure 1–A. (Curves 2 and 3 are considered to represent the variation due to the variation of the effective height of the E-layer while Curves 4 and 5 extend the range of pertinent angles to include a factor which allows for scattering. The dotted lines are included for information only.)

In the case of non-directional vertical antennas, the vertical distribution of relative fields for several heights, assuming sinusoidal distribution of current along the antenna, is shown in Figure 5. In the case of directional antennas the vertical pattern in the great circle direction toward the point of reception in question must first be calculated. Then for the distance to the point, the upper

[3] The Commission will not authorize a directional antenna for a Class IV station assigned to a local channel.

[3a] Certain simplifying assumptions may be made in the case of Class IV stations on local channels: See footnote 3a.

and lower pertinent angles are determined from Figure 6–A. The ratio of the largest value of radiated field occurring between these angles, to 100 mv/m (for which Figure 1–A is drawn) is then used as the multiplying factor for the value of the field read from the curves of Figure 1–A. Note that while the accuracy of the curves is not as well established by measurements for distances less than 250 miles as for distances in excess of 250 miles, the curves represent the most accurate data available today. Pending accumulation of additional data to establish firm standards for skywave calculations in this range, the curves may be used.

For example, suppose it is desired to determine the amount of interference to a Class III station at Portland, Oregon, caused by another Class III station at Los Angeles, California, which is radiating a signal of 560 mv/m unattenuated at one mile in the great circle direction of Portland, using a 0.5 wavelength antenna. The distance is 825 miles. From Figure 6–A the upper and lower pertinent angles are 7° and 3.5° and, from Figure 5 the maximum radiation within these angles is 99% of the horizontal radiation or 554 mv/m at 1 mile. The latitude of the path is 39.8° N and from Figure 1A, the 10% skywave field at 825 miles is 0.050 mv/m for 100 mv/m radiated. Multiplying by 554/100 to adjust the value to the actual radiation gives 0.277 mv/m. At 20 to 1 ratio the limitation to the Portland station is to the 5.5 mv/m contour.

6. Footnote 3a, appearing on page 3 of Public Notice No. 1786, Notice of Proposed Rule Making, published on December 27, 1946, is amended to read:

[3a] The following approximate method may be used. It is based on the assumption of 0.25 λ antenna height and 88 mv/m at one mile effective field for 250 watts power, using the 10% skywave field intensity curve of Figure 1–A. Zones defined by circles of various radii specified below are drawn about the desired station and the interfering 10% skywave signal from each station in a given zone is considered to be the value tabulated below. The effective interfering 10% skywave signal is taken to be the RSS value of all signals originating within these zones. (Stations beyond 500 miles are not considered.)

Zone	Inner radius (miles)	Outer radius (miles)	10 percent skywave signal (mv/m)
A		60	0.10
B	60	80	.12
C	80	100	.14
D	100	250	.16
E	250	350	.14
F	350	450	.12
G	450	500	.10

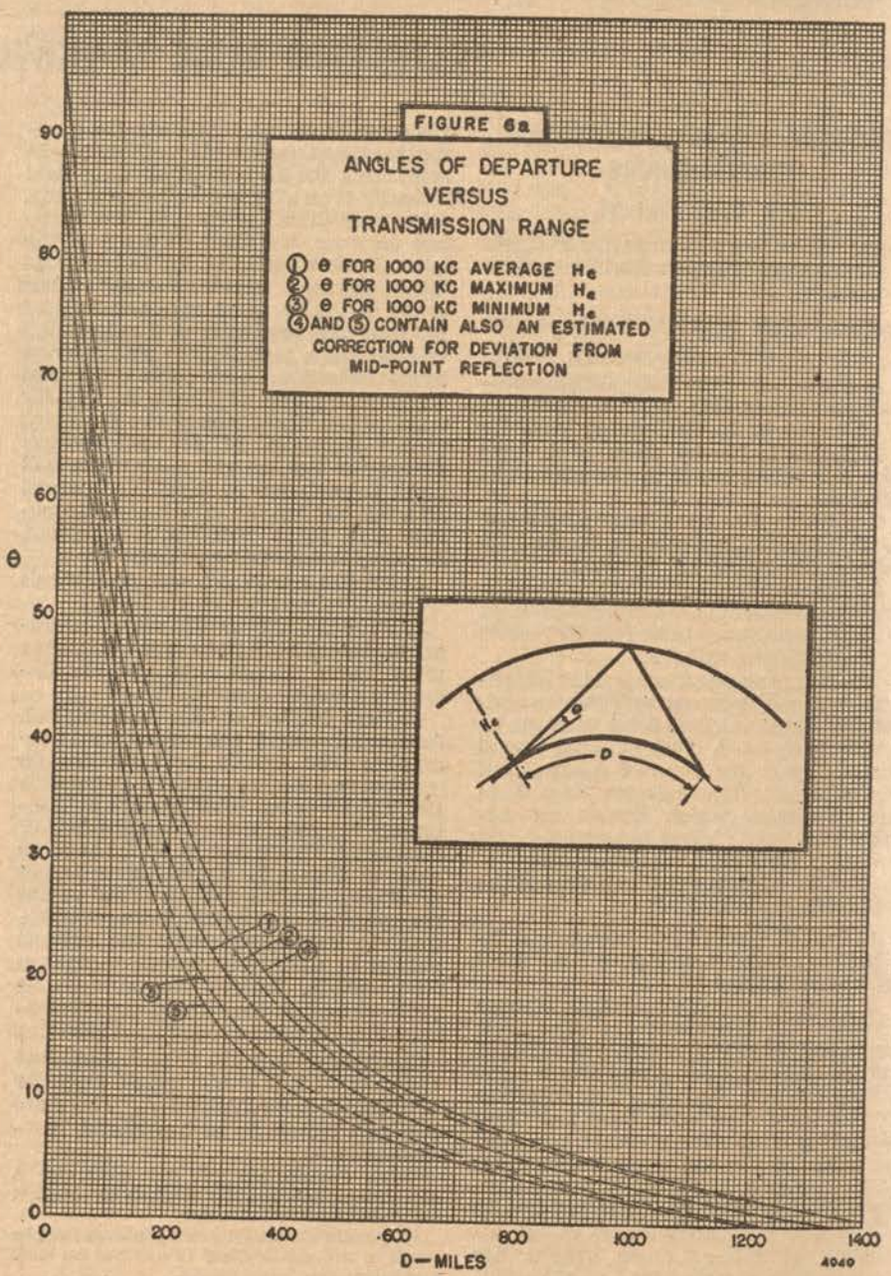
Where the power of the interfering station is not 250 watts, the 10 percent skywave signal should be adjusted by the square root of the ratio of the power to 250 watts.

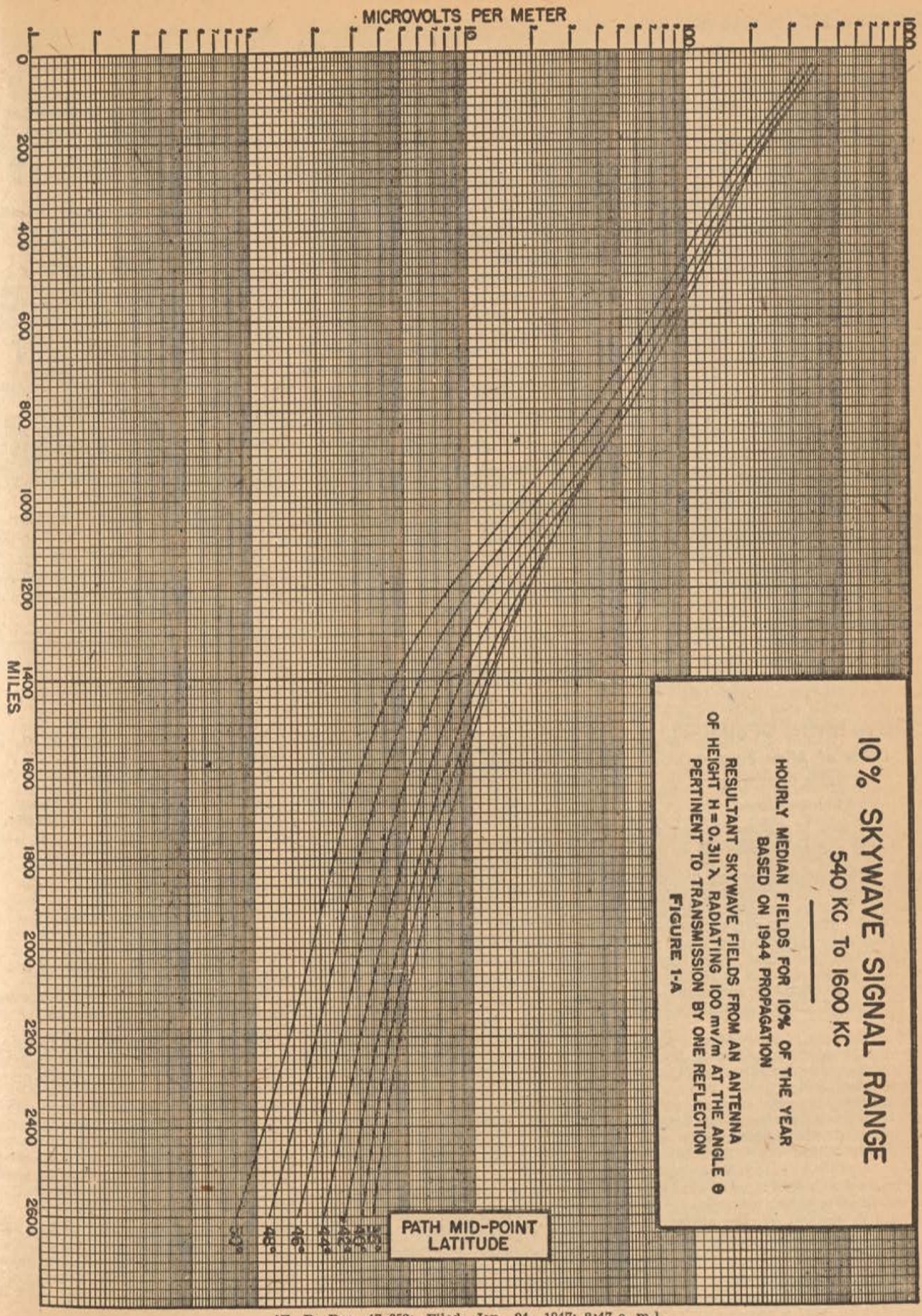
4. The proposed amendments had been widely discussed with interested persons, specifically with Engineering Committees appointed to advise the Commission in the matter of Clear Channel Broadcasting in the Standard Broadcast Band (Docket No. 6741), with Industry Committees meeting to advise the Commission concerning proposals to be made to the North American Regional Radio-Engineering Meeting concerning the extension of the North American Regional Broadcasting Agreement and testimony concerning those amendments was taken in the hearing being held in Docket No. 6741. Further discussion was had with an industry engineering committee meeting held on January 6 and 13, 1947.

5. The proposed amendments are issued under the authority of sections 303 (b), 303 (f) and 303 (r) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendments should not be adopted in the form set forth may file with the Commission by January 27, 1947, a written statement or brief setting forth his comments. The Commission will consider these written statements before adopting the proposed amendments and if comments are submitted which appear to warrant the Commission to hold an oral argument notice of time and place of such oral argument will be given.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.





10% SKYWAVE SIGNAL RANGE
540 KC To 1600 KC

HOURLY MEDIAN FIELDS FOR 10% OF THE YEAR
BASED ON 1944 PROPAGATION

RESULTANT SKYWAVE FIELDS FROM AN ANTENNA
OF HEIGHT H = 0.311 λ RADIATING 100 mv/m AT THE ANGLE θ
PERTINENT TO TRANSMISSION BY ONE REFLECTION

FIGURE 1-A

[F. R. Doc. 47-652; Filed, Jan. 24, 1947; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Office of Indian Affairs

[25 CFR, Part 130]

FORT PECK INDIAN IRRIGATION PROJECT, MONTANA

OPERATION AND MAINTENANCE CHARGES

JANUARY 20, 1947.

Pursuant to section 4 (a) of the Administrative Procedure Act approved June 11, 1946, Public Law 404—79th Congress; the Acts of Congress approved August 1, 1914 (38 Stat. 583, 25 U. S. C. 385), May 18, 1916 (39 Stat. 142), and March 7, 1928 (45 Stat. 210, 25 U. S. C. 387), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs September 14, 1946 (11 F. R. 10297), notice is hereby given of intention to amend paragraphs (b) and (c) of § 130.38, *Charges*, Title 25, Code of Federal Regulations, (1) by increasing the operation and maintenance assessment rate on that part of the Big Porcupine Unit of the Fort Peck Indian irrigation project, Montana, that is not under the service area of the Big Porcupine or Wiota pumping plant, and by increasing the maximum quantity of water that may be delivered without additional charge from one acre foot per acre per annum to one and one-half acre feet per acre per annum; and (2) and by providing for the furnishing of surplus water when available at the rate of $1.85 per acre foot for the irrigation of lands adjacent to and outside of that part of the Big Porcupine Unit that is under service area of the Big Porcupine or Wiota pumping plant. The proposed changes are to be effective for the calendar year of 1947 and until further notice.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to Paul L. Fickinger, Director, U. S. Indian Service, Billings, Montana, within 30 days from the date of the publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

WILLIAM ZIMMERMAN, Jr.
Assistant Commissioner.

[F. R. Doc. 47-758; Filed Jan. 24, 1947; 8:58 a. m.]

DEPARTMENT OF COMMERCE

Administrator of Civil Aeronautics

[14 CFR, Part 525]

CONSTRUCTION OR ALTERATION OF STRUCTURES ON OR NEAR CIVIL AIRWAYS

In accordance with the provisions of section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong.) notice is hereby given of a proposed amendment to Part 525, Notice of Construction or Alteration of Structures on or Near Civil Airways, of the Regulations of the Administrator of Civil Aeronautics (14 CFR, Cum. Supp., Part 525).

All interested persons who desire to submit comments and suggestions for consideration in connection with the proposed amendments, shall forward the same to the General Counsel, Civil Aeronautics Administration, Washington 25, D. C., not later than the 15th day after publication of this notice in the FEDERAL REGISTER.

Acting pursuant to the authority vested in me by the Civil Aeronautics Act of 1938, as amended, particularly sections 308 and 1101 of said act (52 Stat. 986, 1026, 54 Stat. 1233; 49 U. S. C. 458, 671), I hereby amend Part 525 of the regulations of the Administrator of Civil Aeronautics by adding the following new § 525.10 to read as follows:

§ 525.1 *Notice required.* * * *

§ 525.10 *Construction of landing areas.* Any person who engages in the construction of a landing area, as defined in § 525.3, any boundary of which will be within 5 miles of the nearest boundary of an existing landing area shall give notice thereof to the Administrator of Civil Aeronautics.

(52 Stat. 986, 1026, 54 Stat. 1233; 49 U. S. C. 458, 671)

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-743; Filed, Jan. 24, 1947; 8:55 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 7983]

CONRAD LOEHR

In re: Estate of Conrad Loehr, deceased. File No. D-28-10526; E. T. sec. 14939.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Loehr and Albert Loehr, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $1,500.00 was paid to the Alien Property Custodian by Julius D. Cronin, Executor of the estate of Conrad Loehr, deceased;

3. That the said sum of $1,500.00 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on August 2, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-748; Filed, Jan. 23, 1947; 8:49 a. m.]

[Vesting Order 7746, Amdt.]

BERNHARDINE SCHAFER

In re: Stock owned by and debt owing to Bernhardine Schafer.

Vesting Order 7746, dated September 25, 1946, is hereby amended as follows and not otherwise:

By deleting the number "TA 14477" in subparagraph 2-a of said Vesting Order 7746, and substituting therefor the number "TA 144477".

All other provisions of said Vesting Order 7746 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 8 CFR, Cum. Supp.; E. O. 9567, June 8,

1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-753; Filed, Jan. 23, 1947; 8:50 a. m.]

[Vesting Order 7991]

ANTONIE HUEMMELER

In re: Stock owned by Antonie Huemmeler. F-28-23910-D-1, F-28-23910-D-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Antonie Huemmeler, whose last known address is 14 Brauer Strasse, Essen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Twelve hundred (1200) shares of $2.50 par value common capital stock of Kent Storage Company, 69 Front Avenue, N. W., Grand Rapids 4, Michigan, evidenced by certificate number 88, registered in the names of Maria Huemmeler and Antonie Huemmeler, together with all declared and unpaid dividends thereon,

b. Two hundred (200) shares of $1.00 par value preferred capital stock of Guarantee Bond & Mortgage Co. of Grand Rapids, 225 Ottawa Avenue, N. W., Grand Rapids 2, Michigan, a corporation organized under the laws of the State of Delaware, evidenced by preferred certificate number 3126, dated April 7, 1938, registered in the names of Maria Huemmeler and Antonie Huemmeler, together with all declared and unpaid dividends thereon, and

c. One hundred and forty (140) shares of $1.00 par value common capital stock of Guarantee Bond & Mortgage Co. of Grand Rapids, 225 Ottawa Avenue NW., Grand Rapids 2, Michigan, a corporation organized under the laws of the State of Delaware, evidenced by common certificate number 3303, dated April 7, 1938, registered in the names of Maria Huemmeler and Antonie Huemmeler, together with all declared and unpaid dividends,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-749; Filed, Jan. 23, 1947; 8:49 a. m.]

[Vesting Order 8008]

FREDERICK WILHELM MEYER

In re: Estate of Frederick Wilhelm Meyer, also known as William Meyer, Frederick W. Meyer and Friedrich W. Meyer, deceased. File D-28-10030; E. T. Sec. 14228.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johann Hadeler, Hinrich Hadeler, Wilma Meyer, August Meyer and Metta Thien, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Frederick Wilhelm Meyer, also known as William Meyer, Frederick W. Meyer and Friedrich W. Meyer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by William Meyer, also known as Wilhelm Meyer, and Frederica Flor, as Executors, acting under the judicial supervision of the Surrogate's Court, Kings County, State of New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-751; Filed, Jan. 23, 1947; 8:50 a. m.]

[Supp. Vesting Order 8009]

WILLIAM NEUMANN

In re: Estate of William Neumann, deceased. File D-28-10233; E. T. sec. 14583.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Erschfeld Brueck, Maria Erschfeld Brueck, Katharina Erschfeld and Jakob Erschfeld, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany):

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of William Neumann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Ann L. Swanson, as Executrix, acting under the judicial supervision of the Superior Court of the State of Washington, in and for Kittitas County;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the prop-

erty described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-752; Filed, Jan. 23, 1947; 8:50 a. m.]

[Vesting Order 7993]

ICHIRO MATSUDAIRA

In re: Debts owing to Ichiro Matsudaira, also known as Ichiri Matsudaira, as Ichiro Matsudairo and as I. Matsudaira. D-39-7285-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ichiro Matsudaira, also known as Ichiri Matsudaira, as Ichiro Matsudairo and as I. Matsudaira, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Ichiro Matsudaira, also known as Ichiri Matsudaira, as Ichiro Matsudairo and as I. Matsudaira, by the Superintendent of Banks of the State of California and Liquidator of the Yokohama Specie Bank, Ltd., San Francisco Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, in the amount of $6,463.53, as of December 31, 1945, arising out of a commercial checking account, entitled I. Matsudaira, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation evidenced by a check numbered 2107, dated October 30, 1942, drawn by American National Red Cross, Camp Livingston, Louisiana, on Rapides Bank & Trust Company in Alexandria, Alexandria, Louisiana, to the order of Ichiro Matsudairo, in the amount of $13.50, presently held by the Federal Reserve Bank of New York, New York, New York, together with all rights in, to and under, including particularly, but not limited to, the rights to possession and presentation for collection and payment of, the aforesaid check, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and

c. That certain debt or other obligation owing to Ichiro Matsudaira, also known as Ichiri Matsudaira, as Ichiro Matsudairo and as I. Matsudaira, by the Federal Reserve Bank of New York, New York, New York, arising out of an account maintained for the Secretary of the Treasury under General Ruling Number 5, entitled Ichiri Matsudaira, evidenced by Window Ticket Number 1331, dated June 15, 1942, together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-750; Filed, Jan. 23, 1947; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2769]

LA SOCIETE ANONYME BELGE D'EXPLOITATION DE LA NAVIGATION AERIENNE (SABENA)

NOTICE OF HEARING ON APPLICATION FOR FOREIGN AIR CARRIER PERMIT

In re application of La Societe Anonyme Belge D'Exploitation De La Navigation Aerienne (SABENA) of 13 rue Brederde, Brussels, Belgium, pursuant to section 402 of the Civil Aeronautics Act of 1938, as amended, for a foreign air carrier permit authorizing foreign air transportation of persons, property, and mail between Brussels, Belgium and New York, N. Y., via England, Greenland and other North Atlantic points. For further details of the operation proposed and approval requested, interested parties are referred to the application on file in the office of the Civil Aeronautics Board.

Notice is hereby given that pursuant to section 402 (e) of the Civil Aeronautics Act of 1938, as amended, the said application be and it is hereby designated for public hearing on January 30, 1947, 10 a. m., in Room 2091, Commerce Bldg., Washington, D. C., before Examiner Barron Fredricks.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Whether the proposed operation is in the public interest, as defined in section 2 of the Civil Aeronautics Act of 1938, as amended.

2. Is the applicant fit, willing, and able to conduct the proposed operation.

3. Is approval of the proposed operation by the applicant consistent with any obligations assumed by the United States in any treaty, convention, or agreement in force between the United States and Belgium.

Notice is further given that any person desiring to be heard in this proceeding file with the Board, on or before January 30, 1947, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

Dated at Washington, D. C., January 21, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-771; Filed, Jan. 24, 1947; 8:58 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-757]

CITIES SERVICE GAS CO.

ORDER SUSPENDING RATE SCHEDULE

JANUARY 21, 1947.

It appearing to the Commission that:

(a) Cities Service Gas Company has heretofore filed agreements providing for gas service to its affiliates, The Gas Service Company, Kansas City Gas Company, and The Wyandotte County Gas Company, which agreements have been designated as its Rate Schedule FPC No. 87 and Supplements 1 and 2 thereto. This rate schedule and the supplements propose to supersede and cancel effective rate schedules as supplemented of Cities Service Gas Company, designated by the Commission as Rate Schedule FPC Nos. 7, 8, and 9, relating to the same aforesaid companies.

(b) The Commission by its order dated July 19, 1946, suspended said Rate Schedule FPC No. 87 and Supplements Nos. 1 and 2 thereto pending a public hearing respecting the matters involved and the

issues presented concerning the lawfulness of the proposed conditions of service set forth in said Rate Schedules.

(c) On December 23, 1946, Cities Service Gas Company filed with the Commission a supplementary agreement dated December 5, 1946, designated by the Commission as Supplement No. 3 to Rate Schedule FPC No. 87. This agreement proposes to modify in certain particulars some provisions of the Rate Schedule FPC No. 87 and Supplements Nos. 1 and 2 thereto which are under suspension.

(d) The supplementary agreement which has been so filed and designated as Supplement No. 3 to Rate Schedule FPC No. 87 provides that The Gas Service Company, Kansas City Gas Company and The Wyandotte County Gas Company as distributing companies may continue to take all or a portion of their requirements for gas from local sources in seven specified communities in Kansas and Oklahoma, and that in respect to new or additional discoveries of such local gas which may be without market outlet, the Cities Service Gas Company and the aforesaid distributing companies will make every reasonable effort to agree to a satisfactory method and basis upon which the said distributing companies may purchase such local gas and be relieved of their obligations under Rate Schedule FPC No. 87 which requires the said distributing companies to purchase their entire requirements of gas from Cities Service Gas Company.

(e) The proposed conditions of service prescribed or affected by the aforesaid Supplement No. 3 to Rate Schedule FPC No. 87 may be unjust, unreasonable, unlawful and preferential and place an undue burden upon the ultimate consumers of natural gas.

The Commission finds that:

(1) A hearing regarding Rate Schedule FPC No. 87 and Supplements Nos. 1 and 2 is presently in progress in the consolidated proceedings of Dockets Nos. G–699, G–729, G–757, G–747, G–763, and G–765; and that Supplement No. 3 to Rate Schedule FPC No. 87 has been made a part of said proceedings by an Exhibit No. 92.

(2) It is necessary, desirable and in the public interest that a public hearing be held concerning the lawfulness of the charges, classifications, and proposed conditions of service set forth in the Supplement No. 3 to Rate Schedule FPC No. 87 and that said Supplement No. 3 be suspended pending hearing and decision thereon.

The Commission orders that:

(A) A public hearing be held respecting the matters involved and the issues presented thereby concerning the lawfulness of the proposed conditions of service set forth in Supplement No. 3 to Rate Schedule FPC No. 87 and that such public hearing on Supplement No. 3 to Rate Schedule FPC No. 87 be made a part of and included within the hearing and consideration of Rate Schedule FPC No. 87 and Supplements Nos. 1 and 2 thereto in consolidated proceedings of Dockets Nos. G–699, G–729, G–757, G–747, G–763, and G–765.

(B) Pending such hearing and decision thereon, Supplement No. 3 to Rate Schedule FPC No. 87, filed by Cities Service Gas Company referred to above insofar as such Supplement provides for the sale of natural gas other than for resale for industrial use only, be and it hereby is suspended until June 23, 1947, or until such time as said Rate Schedule and Supplements shall be made effective in the manner prescribed by the Natural Gas Act.

(C) During the period of suspension Cities Service Gas Company Rate Schedules FPC Nos. 7, 8, and 9, as supplemented, shall remain in force and effect, except as such may be modified by Commission order.

(D) Interested State commissions may participate in said hearings as provided in Rule 8 (18 CFR 1.8) and Rule 37 (18 CFR 1.37) of general rules including rules of practice and procedure effective September 11, 1946.

Date of issuance: January 21, 1947.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 47–760; Filed, Jan. 24, 1947; 8:57 a. m.]

[Docket No. G–805]

TENNESSEE GAS AND TRANSMISSSION CO.

ORDER FIXING DATE OF HEARING

JANUARY 21, 1947.

Upon consideration of the application filed on November 1, 1946, in Docket No. G–805 by Tennessee Gas and Transmission Company, a Tennessee corporation, having its principal place of business at Houston, Texas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate the following described natural-gas pipe-line facilities, subject to the jurisdiction of the Federal Power Commission:

330 feet of 2-inch pipe line extending from a point of connection on Applicant's main transmission pipe-line system to the town of Lobelville, Tennessee.

It appearing to the Commission that:

(a) The above-described facilities are to be used for the purpose of selling natural gas to the Lobelville Gas Company for resale for ultimate public consumption for domestic, commercial and other uses in the town of Lobelville, Tennessee, and environs thereof; and

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested hearings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on December 14, 1946 (11 FR 14332).

The Commission, therefore, orders that:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held commencing on February 6, 1947, at 9:30 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above-entitled proceedings; *Provided, however,* That if no request to be heard, or protest or petition to intervene raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may after a noncontested hearing forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: January 22, 1947.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 47–770; Filed, Jan. 24, 1947; 8:57 a. m.]

[Docket No. G–823]

MANUFACTURERS LIGHT AND HEAT CO.

ORDER FIXING DATE OF HEARING

JANUARY 21, 1947.

Upon consideration of the application filed on November 29, 1946, in Docket No. G–823 by The Manufacturers Light and Heat Company, a Pennsylvania corporation, having its principal place of business at Pittsburgh, Pennsylvania, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to acquire and operate the following described natural-gas pipe line facilities, subject to the jurisdiction of the Federal Power Commission:

Approximately 5 miles of 16-inch natural gas transmission pipe line located in Monongalia County, West Virginia, being the northern-most portion of the 49 miles of 16-inch transmission line to be constructed by United Fuel Gas Company pursuant to the authority of a certificate issued by this Commission at Docket No. G–736, and commencing at the point of connection between Applicant's 20-inch line of the Pennsylvania-West Virginia State line, and extending southwesterly to a proposed point of connection with the proposed 12¾-inch trans-

mission line of Applicant extending east from the Hundred Compressor Station in Church District, Wetzel County, West Virginia, being constructed pursuant to the authority of a certificate issued by this Commission at Docket No. G–773.

It appearing to the Commission that:

(a) Applicant proposes the acquisition and operation of the above-described facilities for the purpose of making its transmission pipe line system more efficient, obviating the necessity for a transportation agreement under which Applicant would be using facilities of another company for the transportation of gas to which it has sole title, and eliminating a transportation charge for the use of United Fuel Gas Company's facilities; and

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested hearings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on December 18, 1946 (11 F. R. 14502).

The Commission, therefore, orders that:

(a) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held commencing on February 10, 1947, at 9:30 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above-entitled proceeding: *Provided, however,* That if no request to be heard, or protest or petition to intervene raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may, after a non-contested hearing, forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(b) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: January 22, 1947.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 47–769; Filed, Jan. 24, 1947; 8:57 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5473]

WASHINGTON INSTITUTE, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of January A. D. 1947.

In the matter of Hiram Johnson, trading as Washington Institute, Inc.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission.

It is ordered, That Henry P. Alden, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Monday, February 10, 1947, at ten o'clock in the forenoon of that day (central standard time), in Court Room No. 1, Post Office Building, Louisville, Kentucky.

Upon completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The Trial Examiner on the completion of the taking of testimony and the receipt of evidence will then close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47–773; Filed, Jan. 24, 1947; 8:49 a. m.]

OFFICE OF TEMPORARY CONTROLS

Civilian Production Administration

[C–471]

BURTON HOMES, INC. AND HARRY S. SCHACHT

CONSENT ORDER

Burton Homes, Inc., a New York corporation with its principal office and place of business at 224 41st Street, New York, New York, is engaged in building residences. It is charged by the Civilian Production Administration with violation of Veterans' Housing Program Order 1 and Priorities Regulations 1 and 3 and 83 and Direction 1 to Priorities Regulation 33 during the period February 1 to June 30, 1946, (1) in having after March 26, 1946, begun and carried on construction without authorization and at a cost in excess of $400 each of 4 houses on residential property designed for occupancy by 5 families or less each located at 75–01, 75–02, 75–45 and 75–46 168th Street, Flushing, Queens, New York; and (2) in having placed rated orders and used preference rating HH assigned for the projects numbered 66–012–00198 and 66–012–00527 to get materials of the kind listed on Schedule A of Priorities Regulation 33 in more than the minimum quantities of such materials which were needed for the projects and in having used such materials for other purposes than the construction of such projects; and (3) in having caused materials to be delivered which it had reason to believe would be used in work prohibited by Veterans' Housing Program Order 1; and (4) in having purported to give other persons the right to use the rating HH before its application for the projects numbered 66–012–00198 and 66–012–00527 was approved; and (5) in having given another person the right to use the rating HH to obtain materials for a project which was not its own and having obtained deliveries of materials pursuant thereto for its own work; and (6) in having specified and caused to be specified delivery dates on purchase orders for HH rated materials more than 30 days before the time they were to be incorporated in the project; and (7) in having failed to set up and keep in place a placard in front of each separate residential building which was to be rented or sold preferably to veterans of World War II on the project site within 5 days after construction had started; and (8) in having failed to keep and preserve accurate and complete records of each transaction to which the rules, regulations and orders of the Civilian Production Administration applied and its inventories of the material involved and of all documents. Harry A. Schacht, secretary of the corporation, was aware of Civilian Production Administration rules, regulations and orders and his and its actions constituted the violations above specified. Burton Homes, Inc., and Harry A. Schacht admit the violations as charged except charges (1) and (3), do not desire to contest the same, and have consented to the issuance of this order.

Wherefore, upon the agreement and consent of Burton Homes, Inc., Harry A. Schacht, the Regional Compliance Director, and the Regional Attorney, and the approval of the Compliance Commissioner, *It is hereby ordered,* That:

(a) Burton Homes, Inc., its successors and assigns, and Harry A. Schacht, shall be deprived of all priorities assistance and shall obtain no authorization for any construction, until April 1, 1947, except as to the 44 houses approved under FHA project authorization numbers 66–012–00527 and 66–012–00198 and 66–012–010057.

(b) Burton Homes, Inc., its successors and assigns, may proceed with construction of the 44 houses mentioned in paragraph (a) of this order and may use priorities assistance in their completion,

said houses being those located at and known by the following designations: 75–01, 75–03 to 75–45, inclusive, 168th Street, Flushing, Queens, New York; and shall be bound to complete the 2 houses known as 75–01 and 75–45 168th Street, Flushing, Queens, New York, if it shall complete the 2 houses mentioned in paragraph (d) of this order, unless it shall be prevented by unavoidable conditions beyond its control.

(c) The sales price of the two houses known as 75–01 and 75–45 168th Street, Flushing, Queens, New York, shall be no more than $10,000 each, as allowed by the FHA authorizations granted for project number 66–012–010057, unless Burton Homes, Inc., its successors or assigns, shall apply to the FHA for an increase in the sales price and such application shall be approved or granted on appeal as provided in paragraph (g) (7) or (g) (8) of Priorities Regulation 33 (as amended June 14, 1946) or paragraph (i) (6) or (i) (7) of Housing Expediter Priorities Regulation 5 (as amended August 27, 1946) or similar corresponding portions of regulations adopted thereafter.

(d) The houses known as 75–02 and 75–46 168th Street, Flushing, Queens, New York, need not be placed under the Veterans' Housing Program, and, if not, may be completed and sold by Burton Homes, Inc., its successors or assigns, without restriction in price and without veterans' preference, but shall be completed without priorities assistance and without use of materials acquired by priorities assistance.

(e) The provisions of this order shall not apply to a purchaser from Burton Homes, Inc., of unimproved real property which Burton Homes, Inc., may now or at any time in the future own, provided that such purchaser is not a successor or assignee of the business of Burton Homes, Inc., and does not include in its management or control any of the officers of Burton Homes, Inc.

(f) Nothing contained in this order shall be deemed to relieve Burton Homes, Inc., Harry A. Schacht, their successors or assigns, from any restriction, prohibition, or provision contained in any order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 24th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–840; Filed, Jan. 24, 1947; 11:33 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 70–1347, 70–1360]

NEW JERSEY POWER & LIGHT CO. ET AL.

GRANTING APPLICATION AND DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 20th day of January 1947.

In the matters of New Jersey Power & Light Co., File No. 70–1347. Rena R. Carver, Calvin R. Carver, Doris C. Fearon, File No. 70–1360.

New Jersey Power & Light Company (New Jersey), a subsidiary of NY PA NJ Utilities Company (NY PA NJ), a registered holding company, having filed a declaration pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 and Rule U-44 promulgated thereunder, wherein New Jersey proposes to sell all of its gas utility assets for a consideration of $361,000, plus certain adjustments to the date of closing; and

Rena R. Carver, Calvin R. Carver and Doris C. Fearon, having contracted with New Jersey for the purchase of its gas system and properties and having formed three New Jersey corporations to take title to such gas properties and having filed a joint application pursuant to section 9 (a) (2) and 10 of the act in respect to the acquisition of the common stocks of the three corporations; and

Said joint application and declaration having been consolidated, and, after appropriate notice, a hearing having been held on such consolidated matters, the Commission having considered the record and having made and filed its findings and opinion herein:

It is hereby ordered, That, pursuant to the applicable provisions of said act, said joint application and declaration be, and hereby are, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47–767; Filed, Jan. 24, 1947; 8:56 a. m]

[File No. 59–77]

KOPPERS CO., INC.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 21st day of January A. D. 1947.

The Commission having, by its order dated June 26, 1945 entered pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, directed that Koppers Company, Inc., a registered holding company, sever its relationship with Eastern Gas and Fuel Associates and its subsidiaries by disposing of its direct and indirect ownership, control, and holding of securities issued by Eastern Gas and Fuel Associates and its subsidiaries; and

Koppers Company, Inc., having filed an application pursuant to section 11 (c) of the act for an extension of an additional year within which to comply with the Commission's order of June 26, 1945, above described, said application for extension reciting that Koppers Company, Inc., has been unable in the exercise of due diligence to comply with said order within one year from the date thereof for the reason, among others, that proceedings are pending before the Commission under sections 11 (b) (2) and 11 (e) of the act with respect to the recapitalization of Eastern Gas and Fuel Associates; and

The Commission having, by its order dated June 26, 1946, granted to Koppers Company, Inc. an additional period of six months from June 26, 1946 within which to comply with the provisions of said order of June 26, 1945:

Koppers Company, Inc., having filed a further application pursuant to section 11 (c) of the act for an additional six months' extension of time within which to comply with the Commission's order of June 26, 1945, as extended by the order of June 26, 1946, said application reciting that Koppers Company, Inc. has ben unable in the exercise of due diligence to comply with said orders within the extended time prescribed thereby for the reason, among others, that proceedings remain pending before the Commission under section 11 (b) (2) and 11 (e) of the act with respect to the recapitalization of Eastern Gas and Fuel Associates; and

It appearing to the Commission, in the light of the particular circumstances, that it is appropriate to extend the time for compliance with the order of June 26, 1945 as extended by the order of June 26, 1946, for an additional period of six months after December 26, 1946:

It is ordered, That Koppers Company, Inc. be, and hereby is, granted an additional period of six months from December 26, 1946, within which to comply with the provisions of the order of June 26, 1945, directing Koppers Company, Inc., to sever its relationship with Eastern Gas and Fuel Associates and its subsidiaries.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47–765; Filed, Jan. 24, 1947; 8:55 a. m.]

[File No. 70–1427]

GAS AND ELECTRIC ASSOCIATES AND GENERAL PUBLIC UTILITIES CORP.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 21st day of January 1947.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by General Public Utilities Corporation ("GPU"), a registered holding company, and its subsidiary, Gas and Electric Associates ("Associates"). Applicants-declarants have designated sections 9 (a) (1), 10 and 12 of the act and Rules U–43 and U–44 (c) promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than January

29, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said joint application-declaration proposed to be controverted or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application-declaration, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said joint application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which may be summarized as follows:

The transaction herein proposed is the complete liquidation of Associates and the elimination of all GPU's interest in the certificates of beneficial interest in, and notes payable of Associates. GPU is the only creditor of, and holder of certificates of beneficial interest in, Associates.

Associates holds $18,612,700 principal amount of 8% Income Notes Due March 1, 1967 of Utilities Investing Trust (formerly known as Manson Securities Trust and hereinafter called "UIT") and is the plaintiff in certain litigation pending in the Superior Court in the Commonwealth of Massachusetts in Middlesex County, instituted on October 16, 1942, by Associates against New England Gas and Electric Association (hereinafter called "Negas") and UIT, which litigation is entitled Smith et al. *v.* Goodale et al, (hereinafter called the "Negas litigation"). Certain plans for reorganization of Negas have been proposed by Negas (see Docket File Nos. 59-34, 59-64 and 54-120) which by their terms would dispose of the Negas litigation (said plans being hereinafter called the "Negas Plan.").

Associates will assign, transfer and distribute to GPU all its assets, including said $18,612,700 principal amount of 8% Income Notes Due March 1, 1967 of UIT and all causes of action, both legal and equitable, including the causes of action asserted in the Negas litigation. GPU will transfer and deliver to Associates all the certificates of beneficial interest in, and all the notes payable of, Associates. Such notes payable will be cancelled by Associates but the certificates of beneficial interest will not be cancelled and Associates will not terminate its existence, until such time as the Negas litigation has been concluded or settled by consummation of the Negas Plan or otherwise disposed of.

Associates has agreed to continue the prosecution of the Negas litigation and the causes of action therein asserted but in the event of Associates' failure to prosecute said causes of action, it has agreed to return to GPU all the certificates of beneficial interest in Associates transferred and delivered to it by GPU.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-766; Filed, Jan. 24, 1947; 8:56 a. m.]

[File No. 70-1381]

NORTH PENN GAS CO. AND PENNSYLVANIA GAS & ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 21st day of January A. D. 1947.

Notice is hereby given that a declaration, as amended, has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by North Penn Gas Company ("North Penn"), and Pennsylvania Gas & Electric Corporation ("Penn Corp"). Penn Corp is a registered holding company of which North Penn, itself a registered holding company, is a subsidiary. Declarants designate sections 12 (c), 12 (d) and 12 (f) of the act and Rules U-42, U-43 and U-45 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than January 29, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after January 29, 1947, said declaration, as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration, as amended, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

All of the common stock and $7 Cumulative (Second) Preferred Stock of North Penn is owned by Penn Corp. Penn Corp. proposes to donate to North Penn all of such preferred stock consisting of 13,160 shares without par value, having a stated value of $1,316,000. North Penn, upon receipt of said shares, will cancel and retire the same and credit the amount of their stated value to capital surplus. The filing states that the reason for said proposed action is to improve and strengthen the capital structure of North Penn.

It is stated in the declaration, as amended, that said donation by Penn Corp of $7 Cumulative (Second) Preferred Stock to North Penn is an interim step in connection with a more comprehensive plan for the simplification of the capital structure and business of North Penn and Allegany Gas Company, a subsidiary, and is necessary in order to effect a more equitable distribution of voting power in conformity with requirements of section 11 (b) (2) of the act.

The Commission is also requested, pursuant to the provisions of section 1808 (f) of the Internal Revenue Code of the United States, for an order to the effect that the subject transaction is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-768; Filed, Jan. 24, 1947; 8:57 a. m]